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HIGHLIGHTS OF THIS ISSUE

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

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Title 3—The President

EXECUTIVE ORDER 11631

Inspection of Income, Estate, and Gift Tax Returns by the Committee on Public Works, House of Representatives

By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 6103(a)), it is hereby ordered that any income, estate, or gift tax return for the years 1960 to 1972, inclusive, shall, during the Ninety-second Congress, be open to inspection by the Committee on Public Works, House of Representatives, or any duly authorized subcommittee thereof, in connection with its investigation of the policies, procedures, and practices involved in the administration of programs affecting the Committee on Public Works, pursuant to House Resolution 142, 92nd Congress, agreed to March 2, 1971. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decision 6132, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

Richard Nixon

THE WHITE HOUSE,
November 9, 1971.

[FR Doc.71-16565 Filed 11-9-71;3:12 pm]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

Section 213.3199 is amended to show that until November 30, 1973, a total of 50 positions in grades GS–12 and above in the Cost of Living Council, the Price Commission, and the Pay Board are excepted under schedule A when it is determined that existing registers are not appropriate or do not permit appointment expeditiously.

Effective on publication in the FEDERAL REGISTER (11–11–71), paragraph (m) is added to § 213.3199 as set out below.

§ 213.3199 Temporary Boards and Commissions.

* * * * *

(m) Cost of Living Council and Related Organizations. * * *

(1) Until November 30, 1973, not to exceed 50 positions in grades GS–12 and above when it is determined that existing registers are not appropriate or do not permit appointment expeditiously.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-16472 Filed 11-10-71;8:48 am]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 8]

PART 20—LIMITATION ON IMPORTS OF MEAT

Subpart—Section 204 Import Regulations

RESTRICTION ON THE IMPORTATION OF MEAT FROM MEXICO, COSTA RICA AND HONDURAS

Section 20.4 is amended by adding three new paragraphs prohibiting the importation of meat in excess of 79.5 million pounds from Mexico, 40.4 million pounds from Costa Rica and 17.0 million pounds from Honduras during the calendar year 1971. Meat subject to this restriction is that covered by items 106.10 (relating to fresh, chilled, or frozen cattle meat) and 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the Tariff Schedules of the United States.

This regulation is issued with the concurrence of the Secretary of State and the Special Representative for Trade Negotiations to carry out bilateral agreements negotiated with the Governments of Mexico, Costa Rica, and Honduras pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854). The Commissioner of Customs has been requested to take such action as is necessary to implement this regulation. Since the action taken herewith has been determined to involve foreign affairs functions of the United States, this amendment and the request to the Commissioner of Customs, being necessary to the implementation of such action, fall within the foreign affairs exception to the notice and effective date provision of 5 U.S.C. 553.

The subpart, Section 204 Import Regulations of Part 20, Subtitle A of Title 7 (35 F.R. 10837, as amended), is amended by adding to § 20.4 the following new paragraphs:

§ 20.4 Restrictions for 1971.

* * * * *

(b) *Imports from Mexico.* No more than 79.5 million pounds of meat which is the product of Mexico may be entered, or withdrawn from warehouse, for consumption in the United States during the calendar year 1971.

(c) *Imports from Costa Rica.* No more than 40.4 million pounds of meat which is the product of Costa Rica may be entered, or withdrawn from warehouse, for consumption in the United States during the calendar year 1971.

(d) *Imports from Honduras.* No more than 17.0 million pounds of meat which is the product of Honduras may be entered, or withdrawn from warehouse, for consumption in the United States during the calendar year 1971.

Effective date. The regulations contained in the amendment shall become effective upon publication in the FEDERAL REGISTER (11–11–71), but meat released under the provisions of section 448(b) of the Tariff Act of 1930 (19 U.S.C. 1448(b)) prior to such date shall not be denied entry.

(Sec. 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854) and E.O. 11539.)

Issued at Washington, D.C., this 5th day of November 1971.

J. PHIL CAMPBELL,
Acting Secretary of Agriculture.

[FR Doc.71-16475 Filed 11-10-71;8:49 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 239]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.539 Navel Orange Regulation 239.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among

handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 9, 1971.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 12, 1971, through November 18, 1971, are hereby fixed as follows:

(i) District 1: 444,064 cartons;

(ii) District 2: Unlimited;

(iii) District 3: 165,003 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 10, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–16601 Filed 11–10–71;11:28 am]

[Valencia Orange Reg. 374]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.674 Valencia Orange Regulation 374.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 9, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period November 12, 1971, through November 18, 1971, are hereby fixed as follows:

(i) District 1: 68,000 cartons;

(ii) District 2: 332,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 10, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–16600 Filed 11–10–71;11:28 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders: Milk), Department of Agriculture

[Milk Order 36]

PART 1036—MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the eastern Ohio-western Pennsylvania marketing area.

Notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 20440) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of November 1971 through April 1972 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1036.41(c)(6)(iv), "and bulk cream;"

2. In § 1036.41(c)(6)(vii), "and bulk cream;" and

3. In § 1036.42(b)(1), "and bulk cream."

STATEMENT OF CONSIDERATION

This suspension will change the amount of allowable class III shrinkage on bulk cream transferred from a pool plant to other plants. It continues the same effect of a suspension order effective for the months of May through October 1971. The present order limits class III shrinkage on cream derived from a handler's receipts of producer milk to 0.5 percent of the cream. Suspension will increase the allowable class III shrinkage to 2 percent.

A cooperative association which handles at its pool balancing plant a substantial portion of the market's reserve supplies of milk requested suspension of the provisions set forth hereinbefore. The cooperative receives producer milk, at farm weights and tests, separates such milk, and transfers the cream to other plants for churning. The activities performed by the cooperative usually result in more than one-half percent loss of product on the cream transfers involved.

A greater loss (or shrinkage) of product occurs in handling cream than in handling fluid milk. However, the present shrinkage provisions do not distinguish between cream and fluid milk on the amount of class III shrinkage allowed. In view of the manner in which surplus cream is being handled in this market, the class III shrinkage allowance under the order should be modified to reflect actual experience of cream shrinkage. Immediate action is necessary since the previous suspension expired October 31, 1971.

The cooperative has requested a public hearing to consider, among other things, appropriate modification of the order provisions relating to cream shrinkage. Suspension for the period of November 1971 through April 1972 will provide reasonable time for consideration of any amendatory action that may be desirable to reflect current marketing conditions.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and

to maintain orderly marketing conditions in the marketing area in that the present class III shrinkage provisions do not reflect operating experience in the handling of cream.

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rule making was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension.

Therefore, good cause exists for making this order effective on November 1, 1971.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of November 1971 through April 1972.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: November 1, 1971.

Signed at Washington, D.C. on November 5, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-16473 Filed 11-10-71;8:49 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 101—GENERAL PROVISIONS

PART 102—LICENSES AND PERMITS FOR BIOLOGICAL PRODUCTS

PART 112—LABELS

PART 113—STANDARD REQUIREMENTS

PART 114—MISCELLANEOUS REQUIREMENTS FOR LICENSED ESTABLISHMENTS

PART 117—ANIMALS

PART 120—APPROVED FEED LOTS

Miscellaneous Amendments

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158) Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations is hereby amended as follows:

1. Part 120 of Chapter I of Title 9 of the Code of Federal Regulations is revoked.

2. Wherever in Parts 101, 102, 112, 113, 114, and 117, the phrase "Parts 101 through 121" appears, the phrase "Parts 101 through 117" is substituted therefore.

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER (11–11–71).

Due to the decreased need for hog cholera products, all licenses for these products have been terminated. Therefore, there is no further need for approved feed lots. Subsequently, all approved feed lots have been deleted in accordance with § 120.5. Since there are no longer any approved feed lots, there is no longer any need for Part 120.

Accordingly, it is hereby found that it is impractical and unnecessary to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), and good cause exists for making the provisions hereof effective as hereinabove set forth.

With the revocation of Part 120, and the prior revocation of Parts 118, 119 (34 F.R. 18120), and 121 (35 F.R. 16041), the regulations need to be revised by deleting references thereto in Parts 101 through 117.

Done at Washington, D.C., this 5th day of November 1971.

G. H. WISE,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-16505 Filed 11-10-71;8:53 am]

PART 132—GENERAL REGULATIONS

Miscellaneous Amendments

Pursuant to the provisions of sections 56–60 of Public Law 320, 74th Congress, approved August 24, 1935, as amended (Sec. 56–60, 49 Stat. 781, as amended; 7 U.S.C. 851–855), Subchapter E, Chapter I, Title 9, of the Code of Federal Regulations is hereby amended as follows:

Part 132 of Chapter I of Title 9 of the Code of Federal Regulations is revoked.

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (11–11–71).

The aforesaid General Regulations (Part 132) pertain to the Rules of Practice and Procedure Governing Proceedings to Formulate Marketing Agreements and Marketing Orders applicable to Anti-Hog-Cholera Serum and Hog-Cholera Virus (Subpart A), and Rules of Practice Governing Proceedings on Petitions to Modify or to be Exempted From Marketing Orders (Subpart B). An order was issued by the Assistant Secretary of Agriculture on December 13, 1966 (31 F.R. 16185), terminating the provisions of the Marketing Agreement Regulating Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus, as amended, and the Marketing Order Regulating Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus, as amended (9 CFR Part 131), effective midnight on December 31, 1966. Since termination in 1966, no marketing agreement and order have been in effect with respect to regulating the handling of anti-hog-cholera serum and hog-cholera virus, nor are any being contemplated. In the circumstances, it is hereby found and determined that there is no need for the aforesaid General Regulations (9 CFR Part 132) to continue in effect.

Accordingly, it is hereby found that it is impractical and unnecessary to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), and good cause exists for making the provisions hereof effective as herein above set forth.

Done at Washington, D.C., this 5th day of November 1971.

G. H. WISE,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-16506 Filed 11-10-71;8:53 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Implementation of the National Environmental Policy Act of 1969

On September 9, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 F.R. 18071) a revision of Appendix D of its regulation in 10 CFR Part 50, effective on publication. Revised Appendix D as published is an interim statement of Commission policy and procedure for the implementation of the National Environmental Policy Act of 1969 (NEPA) in accordance with the decision of the U.S. Court of Appeals for the District of Columbia Circuit in "Calvert Cliffs' Coordinating Committee, Inc., et al. v. United States Atomic Energy Commission, et al.," Nos. 24,839 and 24,871. The procedures in Appendix D apply to licensing proceedings for nuclear power reactors; testing facilities; fuel reprocessing plants; and other production and utilization facilities whose construction or operation may be determined by the Commission to have a significant impact on the environment. The procedures also apply to proceedings involving certain specified activities subject to materials licensing.

The Commission adopted certain minor amendments to revised Appendix D, published in the FEDERAL REGISTER on September 30, 1971.

The Commission has adopted additional amendments to revised Appendix D that clarify the intent of the Commission with respect to proceedings subject to section D.

In section 4, Procedures Applicable to Pending Hearings or Proceedings to be Noticed in the Near Future, paragraph 1 has been amended to make the provisions of paragraphs 1 and 2 of that section applicable to proceedings in which hearings are pending as of September 9, 1971, or in which a draft or final detailed statement of environmental considerations prepared by the Director of Regulation or his designee has been circulated

prior to said date, in the case of an application for a construction permit, or in which a notice of opportunity for hearing on the application has been issued prior to October 31, 1971, in the case of an application for an operating license. A conforming amendment has been made to section C.1 of Appendix D.

Paragraph 3 of section D of Appendix D has been amended to make clear that, in cases where a notice of opportunity for hearing on an operating license application was issued prior to October 31, 1971, and no hearing has been requested, the environmental review procedures set out in section A of Appendix D, will, with respect to such proceedings, be subject to the limitation that comments will be requested, and must be received, within 30 days from Federal agencies, State and local officials and interested persons on environmental reports and draft detailed statements. This change conforms paragraph 3 of section D to paragraph 1 of section D in this respect.

Because these amendments relate solely to correction and clarification, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary. The Commission has also found that since the amendments correct and clarify previous amendments which have already become effective, good cause exists for making the amendments effective without the customary 30 day notice.

Accordingly, pursuant to the National Environmental Policy Act of 1969, the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 50, are published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER (11-11-71).

In Appendix D, sections C.1, D.1, and D.3 are amended to read as follows:

APPENDIX D—INTERIM STATEMENT OF GENERAL POLICY AND PROCEDURE: IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (PUBLIC LAW 91-190)

* * * * *

C. *Procedures for review of certain construction permits for production or utilization facilities issued prior to January 1, 1970, for which operating licenses or notice of opportunity for hearing on the operating license applications have not been issued.* 1. Each holder of a permit to construct a production or utilization facility of the type described in section A.1 issued prior to January 1, 1970, for which neither an operating license nor a notice of opportunity for hearing on the operating license application had been issued prior to October 31, 1971, shall submit the appropriate number of copies of an Environmental report as specified in sections A.1-4 of this appendix as soon as possible, but no later than sixty (60) days after September 9, 1971, or such later date as may be approved by the Commission upon good cause shown. If an environmental report had been submitted prior to September 9, 1971, a supplement to that report, covering the matters described in sections A.1-4 to the extent not previously covered, may be submitted in lieu of a new environmental report.

* * * * *

D. *Procedures applicable to pending hearings or proceedings to be noticed in the near future.* 1. In proceedings in which hearings are pending as of September 9, 1971, or in which a draft or final detailed statement of environmental considerations prepared by the Director of Regulation or his designee has been circulated prior to said date [1] in the case of an application for a construction permit, or in which a notice of opportunity for hearing on the application has been issued prior to October 31, 1971, in the case of an application for an operating license, the presiding Atomic Safety and Licensing Board will, if the requirements of paragraphs 1-9 of section A have not as yet been met, proceed expeditiously with the aspects of the application related to the Commission's licensing requirements under the Atomic Energy Act pending the submission of environmental reports and detailed statements as specified in section A and compliance with other applicable requirements of section A. A supplement to the environmental report, covering the matters described in sections A.1-4 to the extent not previously covered, may be submitted in lieu of a new environmental report. Upon receipt of the supplemental environmental report, the procedures set out in sections A.6-9 will be followed, except that comments will be requested, and must be received, within thirty (30) days from Federal agencies, State and local officials, and interested persons on environmental reports and draft detailed statements. If no comments are submitted within thirty (30) days by such agencies, officials, or persons, it will be presumed that such agencies, officials, or persons have no comment to make. In any subsequent session of the hearing held on the matters covered by this appendix, the provisions of sections A.10 and 11 will apply to the extent pertinent. The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which the proceeding, or any portion thereof, will be completed.

* * * * *

3. This paragraph applies to proceedings on an application for an operating license for which a notice of opportunity for hearing was issued prior to October 31, 1971, and no hearing has been requested. In such proceedings an environmental report or a supplement to the environmental report, covering the matters described in sections A.1-4 to the extent not previously covered, shall be submitted. Upon receipt of the supplemental environmental report, the procedures set out in sections A.6-9 will be followed, except that comments will be requested, and must be received, within thirty (30) days from Federal agencies, State and local officials, and interested persons on environmental reports and draft detailed statements. If no comments are submitted within thirty (30) days by such agencies, officials, or persons, it will be presumed that such agencies, officials, or persons have no comment to make. When the requirements of the pertinent provisions of paragraphs 1-9 of section A have been met, the provisions of section B.3 will be followed. If in such proceedings, the requirements of paragraphs 1-9 of section A have not as yet been met, the Commission may issue a license authorizing the loading of fuel in the reactor core and limited operation within the scope of § 50.57(a), upon a showing that such licensing action will not have a significant, adverse impact on the quality of the environment and upon making the appropriate findings on the matters specified in § 50.57(a). In addition, the Commission recognizes that there may be other circumstances where, consistent with appropriate regard for environmental values, limited operation may be warranted during the period of the ongoing NEPA environmental review. Such circumstances include testing and verification of plant performance and other limited activities where operation can be justified without prejudice to the ends of environmental protection. Accordingly, the Commission may issue a license for limited operation after consideration and balancing of the factors described in paragraph 2. of this section and upon making the appropriate findings on the matters specified in § 50.57(a): *Provided, however,* That operation beyond twenty percent (20%) of full power will not be authorized except in emergency situations or other situations where the public interest so requires. Any license so issued will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility, and any license issued will be conditioned to that effect.

* * * * *

(Sec. 102, 83 Stat. 853; secs. 3, 161; 68 Stat. 922, 948, as amended; 42 U.S.C. 2013, 2201)

Dated at Germantown, Md., this 29th day of October 1971.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.71-16469 Filed 11-10-71;8:48 am]

PART 140—FINANCIAL PROTECTION AND INDEMNITY AGREEMENTS

Waivers of Defenses Endorsement

On May 6, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER proposed amendments to 10 CFR Part 140, Financial Protection Requirements and Indemnity Agreements, and a proposed endorsement to the facility form of nuclear liability insurance policy furnished as financial protection, to clarify the waivers of defenses provisions in the facility form and in the AEC indemnity agreement forms (36 FR 8451). Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 30 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the material submitted in response to the notice of proposed rule making and other factors involved, the Commission has adopted the amendments and approved the endorsement as proposed. The endorsement to the facility form and the amendments to the Commission indemnity agreement forms clarify that a licensee's workers who are employed at an indemnified site exclusively in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission, and who are not employed in connection with the possession, storage, use or transfer of nuclear material at the facility, will maintain their rights under the waivers of defenses provisions of the facility form and of the indemnity agreement. The waivers of defenses provisions in the event of an "extraordinary nuclear occurrence" are also intended to be available to an indemnified licensee's employees engaged at an indemnified location in the construction of a follow-on

production or utilization facility (nuclear power reactor) for which no operating license has been issued.

It is the intention of the insurers and the Commission that claimants employed exclusively in connection with the construction of a nuclear reactor include those employees engaged in maintaining a facility, the construction of which is essentially complete in an appropriate state of readiness pending the receipt by the applicant of the operating license, even though the maintenance duties in connection with the facility may not be full time.

The insurers who provide nuclear liability insurance, Nuclear Energy Liability Insurance Association and Mutual Atomic Energy Liability Underwriters, have agreed to the addition of the clarifying endorsement to the forms of insurance policies issued by them. The amendments reflect that agreement and correspondingly amend the Commission forms of indemnity agreement.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to 10 CFR Part 140 are published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER.

1. Section 140.91 is amended by adding to the Waiver of Defenses Endorsement a new paragraph 6 to read as follows:

§ 140.91 Appendix A—Form of nuclear energy liability policy for facilities.

* * * * *

6. It is agreed that in construing the application of paragraph 2.(b) of the Waiver of Defenses Endorsement (NE–33) with respect to an extraordinary nuclear occurrence occurring at the facility, a claimant who is employed at the facility in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission shall not be considered as employed in connection with the activity where the extraordinary nuclear occurrence takes place if:

(1) The claimant is employed exclusively in connection with the construction of a nuclear reactor, including all related equipment and installations at the facility, and

(2) No operating license has been issued by the AEC with respect to the nuclear reactor, and

(3) The claimant is not employed in connection with the possession, storage, use or transfer of nuclear material at the facility.

2. Section 140.92 is amended by adding a proviso at the end of subparagraph 5(c) of Article II to read as follows:

§ 140.92 Appendix B—Form of indemnity agreement with licensees furnishing proof of financial protection.

* * * * *

Provided, however, That with respect to an extraordinary nuclear occurrence occurring at the facility, a claimant who is employed at the facility in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission shall not be considered as employed in connection with the activity where the extraordinary nuclear occurrence takes place if:

(1) The claimant is employed exclusively in connection with the construction of a nuclear reactor, including all related equipment and installations at the facility, and

(2) No operating license has been issued by the AEC with respect to the nuclear reactor, and

(3) The claimant is not employed in connection with the possession, storage, use or transfer of nuclear material at the facility.

* * * * *

3. Section 140.93 is amended by adding a proviso at the end of subparagraph 5(c) of Article II to read as follows:

§ 140.93 Appendix C—Form of indemnity agreement with licensees furnishing proof of financial protection in the form of licensee's resources.

* * * * *

Provided, however, That with respect to an extraordinary nuclear occurrence occurring at the facility, a claimant who is employed at the facility in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission shall not be considered as employed in connection with the activity where the extraordinary nuclear occurrence takes place if:

(1) The claimant is employed exclusively in connection with the construction of a nuclear reactor, including all related equipment and installations at the facility, and

(2) No operating license has been issued by the AEC with respect to the nuclear reactor, and

(3) The claimant is not employed in connection with the possession, storage, use or transfer of nuclear material at the facility.

* * * * *

4. Section 140.94 is amended by adding a proviso at the end of subparagraph 5(c) of Article II to read as follows:

§ 140.94 Appendix D—Form of indemnity agreement with Federal agencies.

* * * * *

Provided, however, That with respect to an extraordinary nuclear occurrence occurring at the facility, a claimant who is employed at the facility in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission shall not be considered as employed in connection with the activity where the extraordinary nuclear occurrence takes place if:

(1) The claimant is employed exclusively in connection with the construction of a nuclear reactor, including all related equipment and installations at the facility, and

(2) No operating license has been issued by the AEC with respect to the nuclear reactor, and

(3) The claimant is not employed in connection with the possession, storage, use or transfer of nuclear material at the facility.

* * * * *

5. Section 140.95 is amended by adding a proviso at the end of subparagraph 3(c) of article II to read as follows:

§ 140.95 Appendix E—Form of indemnity agreement with nonprofit educational institutions.

* * * * *

Provided, however, That with respect to an extraordinary nuclear occurrence occurring at the facility, a claimant who is employed at the facility in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission shall not be considered as employed in connection with the activity where the extraordinary nuclear occurrence takes place if:

(1) The claimant is employed exclusively in connection with the construction of a nuclear reactor, including all related equipment and installations at the facility, and

(2) No operating license has been issued by the AEC with respect to the nuclear reactor, and

(3) The claimant is not employed in connection with the possession, storage, use, or transfer of nuclear material at the facility.

* * * * *

(Secs. 161, 170, 68 Stat. 948, 71 Stat. 576; 80 Stat. 891; 42 U.S.C. 2201, 2210)

Dated at Germantown, Md., this 5th day of November 1971.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.71-16455 Filed 11-10-71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11423; Amdt. 39-1333]

PART 39—AIRWORTHINESS DIRECTIVES

Turbine Engine Powered Aircraft With Certain Type Batteries Installed

Amendment 39-1302 (36 F.R. 19075), AD 71-21-5 applies to turbine engine powered aircraft with a primary electrical system equipped with a nickel-cadmium battery containing any polystyrene cell cases that is capable of being used to start the aircraft's engine or APU, except aircraft that have the charging rate of such a battery automatically controlled as a function of battery temperature and except Learjet Models 23, 24, and 25 airplanes. It requires, in part, replacement of the polystyrene cell cases, or installation of a battery overtemperature warning system, or installation of a battery temperature controlled battery charging system. For batteries rated at 34 or more amp-hours, paragraph (d) of the AD requires the replacement or installation to be accomplished within 1,500 hours' time in service, or before April 15, 1972, whichever occurs sooner. Subsequent to the issuance of the AD, the FAA has determined that neither batteries or cells having nylon cases, nor replacement batteries that meet the requirements of the AD are available for batteries rated at 50 or more amp-hours. Based on further investigation of the electrical systems of the aircraft in which these batteries are installed, the operating loads placed on these batteries, and the service experience of operators with these batteries, the FAA has determined that batteries rated at 50 or more amp-hours are less likely to overheat than smaller batteries, and that the compliance times for these batteries may be safely extended. Therefore, the AD is

being amended to require, for these batteries, compliance with the replacement or installation provisions of the AD within 2,500 hours' time in service, or before December 31, 1972, whichever occurs sooner.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of part 39 of the Federal Aviation Regulations, Amendment 39-1302 (36 F.R. 19075), AD 71-21-5, is amended as follows:

1. By amending paragraph (c) to read:

(c) Comply with paragraph (e)—

(1) For any battery rated at 33 or less amp-hours, within the next 500 hours' time in service after the effective date of this AD, or before April 15, 1972, whichever occurs sooner.

(2) For any battery rated at 34 or more but less than 50 amp-hours, within the next 1,500 hours' time in service after the effective date of this AD, or before April 15, 1972, whichever occurs sooner.

(3) For batteries rated at 50 or more amp-hours, within the next 2,500 hours' time in service after the effective date of this AD, or before December 31, 1972, whichever occurs sooner.

2. By deleting paragraph (d).

This amendment becomes effective November 16, 1971.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 3, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.16447 Filed 11-10-71;8:46 am]

[Airspace Docket No. 71-CE-83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 15453 of the FEDERAL REGISTER dated August 14, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the transition area at Clintonville, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 6, 1972.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on October 27, 1971.

CHESTER W. WELLS,
Acting Director,
Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

CLINTONVILLE, WIS.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Clintonville Municipal Airport (latitude 44°36'50" N., longitude 88°43'52" W.).

[FR Doc.71-16437 Filed 11-10-71;8:45 am]

[Airspace Docket No. 71-CE-89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 15453 of the FEDERAL REGISTER dated August 14, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the transition area at Webster City, Iowa.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 6, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on October 27, 1971.

CHESTER W. WELLS,
Acting Director,
Central Region.

In § 71.181 (36 F.R. 2150), the following transition area is amended to read:

WEBSTER CITY, IOWA

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Webster City Municipal Airport (latitude 42°26'15" N., longitude 93°52'15" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 157° and 337° bearings from Webster City Municipal Airport, extending from 6 miles northwest to 18½ miles southeast of the airport, excluding the portions which overlie the Fort Dodge, Iowa, and Boone, Iowa, transition areas.

[FR Doc.71-16438 Filed 11-10-71;8:46 am]

[Airspace Docket No. 71-CE-92]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 15452 of the FEDERAL REGISTER dated August 14, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at Gibson City, Ill.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

Line 6 of the Gibson City, Ill., Municipal Airport transition area designation should be changed in part from "VORTAC 222° radial" to read "VORTAC 220° radial."

This amendment shall be effective 0901 G.m.t., January 6, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on October 27, 1971.

CHESTER W. WELLS,
Acting Director,
Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is added:

GIBSON CITY, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Gibson City Municipal Airport, latitude 40°29'00" N., longitude 88°16'00" W., and within 2 miles either side of the Roberts VORTAC 220° radial extending from the 5-mile radius northeast to Roberts VORTAC.

[FR Doc.71-16439 Filed 11-10-71;8:46 am]

[Airspace Docket No. 71-CE-93]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 15451 and 15452 of the FEDERAL REGISTER dated August 14, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at Ontonagon, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby

adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 6, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on October 27, 1971.

CHESTER W. WELLS,
Acting Director,
Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is added:

ONTONAGON, MICH.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ontonagon County Airport (latitude 46°50'47" N., longitude 89°21'29" W.); and within 3 miles each side of a 042° bearing from Ontonagon County Airport, extending from the 6-mile-radius area to 7.5 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northwest and 9½ miles southeast of the 042° bearing from Ontonagon County Airport, extending from the airport to 18½ miles northeast of the airport.

[FR Doc.71-16440 Filed 11-10-71;8:46 am]

[Airspace Docket No. 71-CE-95]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Areas

On pages 17653 and 17654 of the FEDERAL REGISTER dated September 3, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Duluth, Minn., and alter the transition area at Cloquet, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following changes:

(1) Line 5 of the Duluth, Minn., International Airport control zone alteration recited as "extending from the 5-mile radius zone to" should be changed to read "extending from the 6.5-mile radius zone to".

(2) Line 13 of the Duluth, Minn., International Airport transition area alteration recited as "VORTAC 023° radial, extending from the 15-" should be changed to read "VORTAC 023° radial, extending from the 17.5-."

These amendments shall be effective 0901 G.m.t., January 6, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on October 29, 1971.

CHESTER W. WELLS,
Acting Director,
Central Region.

In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

DULUTH, MINN.

Within a 6.5-mile radius of Duluth International Airport (latitude 46°50'30" N., longitude 92°11'25" W.); and within 3 miles each side of the Duluth VORTAC 197° radial extending from the 6.5-mile radius zone to 11 miles south of the VORTAC.

In § 71.181 (36 F.R. 2140), the following transition areas are amended to read:

DULUTH, MINN.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Duluth International Airport (latitude 46°50'30" N., longitude 92°11'25" W.); within a 17.5-mile radius of the Duluth International Airport, extending from the Duluth VOR 262° radial clockwise to the Duluth VOR 058° radial; within 4½ miles north and 9½ miles south of Duluth localizer west course, extending from 4 miles east to 18½ miles west of the OM; and within 4½ miles east and 9½ miles west of the Duluth VORTAC 023° radial, extending from the 17.5-mile radius area to 28 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Duluth International Airport; within 8 miles northwest and 5 miles southeast of the Duluth VORTAC 051° radial, extending from the 35-mile radius area to 41 miles northeast of the VORTAC; and within 4½ miles northwest and 9½ miles southeast of the Duluth VORTAC 244° radial, extending from the 35-mile radius area to 41 miles southwest of the VORTAC; excluding the portions which overlie the Hibbing, Minn., and Cloquet, Minn., transition areas.

CLOQUET, MINN.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Cloquet-Carlton County Airport (latitude 46°42'10" N., longitude 92°30'20" W.); within 3 miles each side of the 355° bearing from the Cloquet-Carlton County Airport extending from the 6½-mile radius to 8 miles north of the airport; within 3 miles each side of the 175° bearing from the Cloquet-Carlton County Airport extending from the 6½-mile radius area to 8 miles south of the airport.

[FR Doc.71-16441 Filed 11-10-71;8:46 am]

[Airspace Docket No. 71-CE-101]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 17654 of the FEDERAL REGISTER dated September 3, 1971, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at West Branch, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 6, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on October 29, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is added:

WEST BRANCH, MICH.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of West Branch Community Airport (latitude 44°14'36" N., longitude 84°10'58" W.); and within 3 miles each side of the 87° bearing from West Branch Community Airport, extending from the 5½-mile radius area to 13 miles east of the airport.

[FR Doc.71-16443 Filed 11-10-71;8:46 am]

[Airspace Docket No. 71-CE-104]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 17654 and 17655 of the FEDERAL REGISTER dated September 3, 1971, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Charlevoix, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

(1) Add the following to the Charlevoix, Mich., Municipal Airport, transition area designation "excluding the portion which overlies the Pellston, Mich., transition area.".

(2) The coordinates recited in the Charlevoix, Mich., Municipal Airport, transition area designation as "latitude 45°18'15" N., longitude 85°16'00" W." are changed to read "latitude 45°18'17" N., longitude 85°16'08" W.".

This amendment shall be effective 0901 G.m.t., January 6, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on October 29, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is added:

CHARLEVOIX, MICH.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Charlevoix Municipal Airport (latitude 45°18'17" N., longitude 85°16'08" W.) and within 3 miles each side of the 270° bearing from Charlevoix Municipal Airport, extending from the 5½-mile-radius area to 8 miles west of the airport, and within 3 miles each side of the 69° bearing from Charlevoix Municipal Airport, extending from the 5½-mile-radius area to 8 miles east of the airport; that airspace extending upward from 1,200 feet above the surface within 4½ miles south and 9½ miles north of the 270° and 90° bearings from Charlevoix Municipal Airport, extending from the airport to 18½ miles west and 6 miles east of the airport, and within 4½ miles south and 9½ miles north of the 69° and 249° bearings from Charlevoix Municipal Airport, extending from the airport to 18½ miles east and 6 miles west of the airport, excluding the portion which overlies the Pellston, Mich., transition area.

[FR Doc.71-16443 Filed 11-10-71;8:46 am]

[Airspace Docket No. 71-CE-105]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 17655 of the FEDERAL REGISTER dated September 3, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Woodsfield, Ohio.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 6, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on October 29, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is added:

WOODSFIELD, OHIO

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Monroe County Airport (latitude 39°46'45" N., longitude 81°06'15" W.).

[FR Doc.71-16444 Filed 11-10-71;8:46 am]

[Airspace Docket No. 71-CE-109]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to amend the Pratt, Kans., transition area.

With the relocation of the Pratt, Kans., nondirectional beacon it is necessary to make a minor adjustment to the Pratt transition area description so that adequate airspace protection will continue to be provided aircraft executing instrument approaches at the Pratt Municipal Airport. Action is taken herein to reflect this change.

Since this alteration is minor in nature, notice and public procedure hereon are neither necessary nor practicable.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended effective January 6, 1972, as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

PRATT, KANS.

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Pratt Municipal Airport (latitude 37°42'13" N., longitude 98°44'47" W.); and within 3 miles each side of the 360° bearing from the Pratt nondirectional beacon (NDB), extending from the 6.5 mile radius area to 8 miles north of the NDB; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles east and 9.5 miles west of the 360° bearing from the NDB; extending from the NDB to 18.5 miles north of the NDB, and within 5 miles each side of the 256° bearing from the NDB, extending from the NDB to 8 miles west.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on October 27, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-16445 Filed 11-10-71;8:46 am]

[Airspace Docket No. 71-WA-20]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On June 5, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 10984) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation regulations that would designate six area high routes in the United States.

One of the six routes has been successfully flight inspected and is being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No adverse comments have been received to these six routes.

Subsequent to the publication of the notice, it has been determined that adjustment of routes and waypoint locations is necessary for them to be compatible with terminal procedures and waypoints on other routes. Since these changes are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation regulations is amended, effective 0901 G.m.t., January 6, 1972, as hereinafter set forth.

In § 75.400 (36 F.R. 2370) the following area high route is added:

Route No.	Waypoint name	Latitude-longitude	Reference facility
J932R LOS ANGELES, CALIF. TO KANSAS CITY, MO.			
	Parker, Calif.	34°09'07"/114°19'53"	Needles, Calif.
	Prescott, Ariz.	34°42'09"/112°28'46"	Phoenix, Ariz.
	Two Wells, N. Mex.	35°13'59"/103°47'53"	St. Johns, Ariz.
	Torreon, N. Mex.	35°41'31"/107°03'49"	Albuquerque, N. Mex.
	Springer, N. Mex.	36°15'07"/104°16'52"	Las Vegas, N. Mex.
	Larrabee, Kans.	37°10'46"/100°2J'00"	Garden City, Kans.
	Wichita, Kans.	37°43'49"/97°27'11"	Ponca City, Okla.
	Factory, Kans.	38°57'48"/95°05'22"	Salina, Kans.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 4, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-16448 Filed 11-10-71;8:46 am]

[Airspace Docket No. 71-WA-3A]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On March 4, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4299) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate 22 area high routes in the western and southwestern United States.

On August 21, 1971, a rule was published in the FEDERAL REGISTER (36 F.R. 16506) stating that five of the area high routes (J901R, J902R, J903R, J904R, and J912R) would be effective October 14, 1971. Five additional routes—J907R, J909R, J911R, J914R, and J917R—have been successfully flight inspected and

are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No adverse comments have been received to these five routes. The ATA commented that the segment of J907R proposed betwen Fort Stockton, Tex., and San Simon, Ariz., would be 3 miles farther than J2 via El Paso, Tex. That statement is correct; however, J907R was purposely aligned north of El Paso to provide a parallel routing laterally separated from J2. The ATA suggested further that the parallel routing could be established and the mileage decreased as well by alignment of J907R in part from Houston, Tex., via great circle course to Gila Bend, Ariz. Such alignment would conflict with Intensive Student Jet Training Areas (ISJTAs) at Webb AFB, Tex., and Williams AFB, Ariz.

The FAA is progressing toward integration of activities within ISJTAs so that en route aircraft may transit an ISJTA while it is being used for intensive student jet training. However, at this time, more frequent use can be made of J907R if it is aligned so as to avoid the ISJTAs at Webb AFB and Williams AFB.

The remaining routes listed in Airspace Docket No. 71–WA–3 will be issued in a final rule as soon as a successful flight inspection is performed.

Waypoints have been refined in J911R, J914R, and J917R to more precisely define the routes described in the notice of proposed rule making or to improve navigational service. Since these refinements are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 6, 1972, as hereinafter set forth.

In § 75.400 (36 F.R. 2370) the following area high routes are added:

Waypoint name	Location: N. Lat./W. Long. (In degrees, minutes and seconds)	Reference facility
J907R HOUSTON, TEX., TO LOS ANGELES, CALIF.		
Humble, Tex	29 57 24/95 20 44	Houston, Tex.
Austin, Tex	30 23 11/97 41 56	San Antonio, Tex.
Junction, Tex	30 35 52/99 49 02	San Angelo, Tex.
Fort Stockton, Tex.	30 57 07/102 58 31	Wink, Tex.
Toyah, Tex	31 31 23/104 03 00	Wink, Tex.
Organ, N. Mex	32 14 48/106 52 20	Truth or Consequences, N. Mex.
Willcox, Ariz	32 23 21/109 50 08	San Simon, Ariz.
Eloy, Ariz	32 46 04/111 37 04	Phoenix, Ariz.
Kofa, Ariz	33 30 58/113 53 17	Yuma, Ariz.
Beaumont, Calif	34 05 40/116 44 17	Thermal, Calif.
J909R DENVER, COLO., TO SAN FRANCISCO, CALIF.		
Golden, Colo	39 48 15/105 04 06	Denver, Colo.
Hog Back, Colo	39 41 23/107 53 25	Meeker, Colo.
Hill Creek, Utah	39 33 51/109 58 03	Myton, Utah.
Nebo, Utah	39 16 43/111 38 27	Fairfield, Utah.
Grafton, Nev	38 43 06/114 32 58	Wilson Creek, Nev.
Coaldale, Nev	38 00 12/117 46 10	Coaldale, Nev.
J911R PORTLAND, OREG., TO DENVER, COLO.		
Sherwood, Oreg	45 21 05/122 59 00	Portland, Oreg.
Dayville, Oreg	44 35 50/119 29 41	Pendleton, Oreg.
Horseshoe, Idaho	43 40 40/116 03 13	Boise, Idaho
McCammon, Idaho	42 38 23/112 12 05	Malad City, Idaho.
Rock Springs, Wyo.	41 35 25/109 00 53	Rock Springs, Wyo.
J914R DALLAS, TEX., TO NEW ORLEANS, LA.		
Greater Southwest, Tex.	32 49 10/97 02 23	Greater Southwest, Tex.
Tenaha, Tex	31 52 49/94 14 33	Shreveport, La.
Alexandria, La	31 15 23/92 30 02	Alexandria, La.
New Orleans, La	30 01 47/90 10 20	New Orleans, La.
J917R SAN FRANCISCO, CALIF., TO PHOENIX, ARIZ.		
Logan, Calif	36 59 13/121 43 57	Fresno, Calif.
Easton, Calif	36 45 17/119 49 48	Fresno, Calif.
Wild Rose, Calif	39 19 37/116 51 41	Beatty, Nev.
Boulder City, Nev.	35 59 45/114 51 46	Needles, Calif.
Sycamore, Ariz	34 37 25/112 55 26	Needles, Calif.
Phoenix, Ariz	33 25 53/111 53 17	Gila Bend, Ariz.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 1, 1971.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–16324 Filed 11–10–71;8:45 am]

[Airspace Docket No. 71–WA–8]

PART 75—ESTABLISHMENT OF JET ROUTES, AND AREA HIGH ROUTES

Designation of Area High Routes

On March 12, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4790) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate area high routes in the United States.

Two of the 22 proposed routes, J935R and J939R, have been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable. The remaining routes listed in Airspace Docket No. 71–WA–8 will be issued in a rule as soon as a successful flight inspection is performed.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 6, 1972, as hereinafter set forth.

In § 75.400 (36 F.R. 2370) the following area high routes are added:

Waypoint name	Location: N. Lat./W. Long. (In degrees, minutes and seconds)	Reference facility
J910R TUCSON, ARIZ. TO ALBUQUERQUE, N. MEX.		
Willcox, Ariz	32 23 21/109 50 08	San Simon, Ariz.
Jewett, N. Mex	33 45 00/108 18 15	St. Johns, Ariz.
Albuquerque, N. Mex	35 02 33/106 43 57	Albuquerque, N. Mex.
J920R CHICAGO, ILL. TO SEATTLE, WASH.		
O'Hare, Ill	41 59 16/87 54 17	Joliet, Ill.
Elberon, Iowa	42 00 53/92 15 40	Dubuque, Iowa.
Corwith, Iowa	42 58 37/93 54 48	Fort Dodge, Iowa.
Heidy, Minn	44 07 00/96 00 04	Sioux Falls, S. Dak.
Turtle Creek, S. Dak.	44 45 03/98 39 52	Aberdeen, S. Dak.
Reva, S. Dak	45 39 00/103 12 58	Dickinson, N. Dak.
Klein, Mont	46 27 51/108 26 58	Billings, Mont.
Helter, Mont	46 51 21/111 54 03	Helena, Mont.
Avery, Idaho	47 19 03/115 41 12	Mullan Pass, Idaho.
Amber, Wash	47 17 02/117 39 24	Spokane, Wash.
Seattle, Wash	47 26 08/122 18 20	Seattle, Wash.

(Sec. 307(a), Federal Aviation Act of 1958, U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 2, 1971.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–16325 Filed 11–10–71;8:45 am]

[Airspace Docket No. 71–WA–9A]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On March 12, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4791) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate 23 area high routes as part of the overall program to establish an area navigation route structure.

Recently, two of the proposed routes were designated in a rule. Additional proposed routes J865R, J874R, J875R, and J876R have now been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No adverse comments were received to the four routes.

Reference facilities were changed for three waypoints on J865R, and for one waypoint each on J874R and J875R. These changes were made to improve signal coverage on the routes. Also, small latitude/longitude changes were made to the third waypoint on J865R to

make it coincident with a waypoint presently charted. A small route alignment was made to J876R to effect better service. Both of these realignments are minor in nature.

Remaining routes in Airspace Docket No. 71-WA-9 will be issued in one or more final rules soon after flight inspection has been completed.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 6, 1972, as hereinafter set forth.

In § 75.400 (36 F.R. 2370) the following area high routes are added:

Waypoint name	N. Lat./W. Long. (In degrees, minutes, and seconds)	Reference facility
	LOCATION	
J865R (WASHINGTON, D.C., TO CHICAGO, ILL.)		
Martinsburg, W. Va.	39 23 03/77 50 55	Philipsburg, Pa.
Balsam, Ohio	40 29 20/81 04 05	Appleton, Ohio
Shiloh, Ohio	40 57 44/82 30 16	Appleton, Ohio
Plant, Ill	41 37 29/87 15 57	Lafayette, Ind.
J874R (MEMPHIS, TENN., TO ATLANTA, GA.)		
Whitehaven, Tenn.	35 03 00/89 59 00	Greenwood, Miss.
Rockmart, Ga	34 16 03/85 05 51	Birmingham, Ala.
J875R (ATLANTA, GA., TO MEMPHIS, TENN.)		
Bremen, Ga	33 39 32/85 12 55	Montgomery, Ala.
Birmingham, Ala.	33 40 12/86 53 59	Montgomery, Ala.
Red Banks, Miss	34 46 20/89 29 51	Memphis, Tenn.
J876R (ATLANTA, GA., TO SAVANNAH, GA.)		
Social Circle, Ga	33 37 10/83 36 42	Augusta, Ga.
Springfield, Ga	32 29 07/81 21 16	Augusta, Ga.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 1, 1971.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-16326 Filed 11-10-71;8:45 am]

[Airspace Docket No. 71-WA-16]

PART 75—ESTABLISHMENT OF JET ROUTES, AND AREA HIGH ROUTES

Designation of Area High Routes

On May 21, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 9258) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate area high routes in the United States.

Two of the 11 routes, J933R and J975R, have been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, it was determined that the eastern terminal of J975R should be located at the Acton, Tex., VORTAC to be more compatible with the Dallas, Tex., terminal procedures. Since this alteration is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 6, 1972, as hereinafter set forth.

In § 75.400 (36 F.R. 2370) the following area high routes are added:

Waypoint name	N. Lat./W. Long. (in degrees, minutes and seconds)	Reference facility
	LOCATION	
J933R DALLAS, TEX., TO LOS ANGELES, CALIF.		
Greater Southwest, Tex.	32 49 10/97 02 28	Greater Southwest, Tex.
Wichita Falls, Tex.	33 59 14/98 35 35	Wichita Falls, Tex.
Texico, Tex	34 29 42/102 50 21	Texico, Tex.
Vaughn, N. Mex	34 37 10/105 12 02	Las Vegas, N. Mex.
Terrace, Ariz	34 43 28/109 08 57	Gallup, N. Mex.
Manila, Ariz	34 48 42/110 48 56	Gallup, N. Mex.
Drake, Ariz	34 56 54/112 32 15	Prescott, Ariz.
Morrow, Calif	34 02 51/117 14 54	Oceanside, Calif.
J975R DALLAS, TEX., TO EL PASO, TEX.		
Acton, Tex	32 26 04/97 39 49	Waco, Tex.
Maryneal, Tex	32 17 42/100 31 47	San Angelo, Tex.
Jal, N. Mex	32 06 49/103 06 09	Fort Stockton, Tex.
El Paso, Tex	31 48 57/106 16 52	El Paso, Tex.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 2, 1971.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-16327 Filed 11-10-71;8:45 am]

[Airspace Docket No. 70-WA-43A]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On February 3, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1912) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate 10 area high routes in the western United States as part of the overall program to establish an area navigation route structure.

Three of the proposed routes, J850R, J853R and J861R, have been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Subsequent to issuance of the notice, the terminal procedures in the San Francisco/Oakland area were revised. To be more compatible with the revised procedures, J850R is terminated approximately 15 miles short of the proposed offshore terminal described. The ATA suggestion that the intermediate waypoints be eliminated in J850R, for chart and navigation simplification, has been adopted in this rule. As these changes are minor in nature, and do not alter the alignment of the route nor change the operational procedures for the control of air traffic, notice and public procedure are deemed unnecessary and these changes are incorporated in this rule.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 6, 1972, as hereinafter set forth.

In § 75.400 (36 F.R. 2370) the following area high routes are added:

Waypoint Name	N. Lat./W. Long. (In degrees, minutes and seconds)	Reference Facility
	LOCATION	
J850R LOS ANGELES, CALIF. TO SAN FRANCISCO, CALIF.		
Ventura, Calif	34 06 54/119 02 55	Bakersfield, Calif.
Piers, Calif	36 34 23/121 55 13	Fresno, Calif.
J853R LOS ANGELES, CALIF. TO PHOENIX, ARIZ.		
Seal Beach, Calif	33 47 05/118 03 03	Oceanside, Calif.
Kofa, Ariz	33 30 58/113 53 17	Yuma, Ariz.
Phoenix, Ariz	33 25 53/111 53 17	Gila Bend, Ariz.
J861R EL PASO, TEX. TO LOS ANGELES, CALIF.		
El Paso, Tex	31 48 57/106 16 52	El Paso, Tex.
Willcox, Ariz	32 23 21/109 50 03	San Simon, Ariz.
Elroy, Ariz	32 46 04/111 37 01	Phoenix, Ariz.
Kofa, Ariz	33 30 58/113 53 17	Yuma, Ariz.
Beaumont, Calif	34 05 40/116 44 17	Thermal, Calif.

(Sec. 307(a) Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 2, 1971.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-16328 Filed 11-10-71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8729 o.]

PART 13—PROHIBITED TRADE PRACTICES

School Services, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-70 Financing activities; 13.15-80 Government connection; § 13.85 *Government approval, action, connection or standards;* § 13.115 *Jobs and employment service.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1417 *Financing activities;* § 13.1425 *Government connection;* § 13.1632 *Government endorsement or recommendation;*

§ 13.1670 *Jobs and employment.* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, School Services, Inc., et al., Washington, D.C., Docket No. 8729, Oct. 4, 1971]

In the Matter of School Services, Inc., a Corporation, and Cinderella Career and Finishing Schools, Inc., a Corporation, and Stephen Corp., a Corporation Trading as Cinderella Career College and Finishing School, and Vincent Melzac, Individually and as an Officer of School Services, Inc., and as Controlling Stockholder of Respondents Cinderella Career and Finishing Schools, Inc., and Stephen Corp.

Upon remand by the U.S. Court of Appeals, District of Columbia Circuit, 425 F. 2d 583, and in view of the change in the composition of the Commission, an oral reargument was ordered. The respondents, operators of a Washington, D.C., trade school and the school's franchisees, were ordered to cease misrepresenting that they extend loans to students, that the schools have any relation with the government, that the offered courses qualify students as airline stewardesses or buyers for retail stores, that respondents find jobs for students, using false inducements to obligate enrollees to pay money, and failing to furnish any franchisee with a copy of this order. The existing order against School Services, Inc., 33 F.R. 17852, is dismissed, and the motion of Vincent Melzac to dismiss complaint is denied.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Cinderella Career and Finishing Schools, Inc., a corporation, and Stephen Corp., a corporation trading as Cinderella Career College and Finishing School, or under any other name, and their officers, and Vincent Melzac, individually and as an officer or controlling stockholder of the aforesaid corporations, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of courses of instruction or any other service or product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that they or any of them extend loans to students when in fact only credit is extended to an enrollee through an installment contract.

2. Representing, through the use of the name School Services, Inc., Washington, D.C., or any other name or names similar thereto, or otherwise, that any of respondents are in any way connected with a governmental or nonprofit organization, or that any of respondents' schools or any course offered by any such schools have been approved by any government agency or nonprofit organization.

3. Representing, directly or by implication, that respondents or any of them offer courses of instruction which qualify students to be airline stewardesses, and misrepresenting, directly or by implication, that respondents or any of them offer courses of instruction which qualify students to be buyers for retail stores.

4. Representing, directly or by implication, that respondents or any of them find jobs for almost all of their students or graduates, or otherwise misrepresenting the availability of jobs through any job placement service, or through respondents' contacts in the business world.

5. Using any false inducements or representations to obtain enrollees for any of respondents' courses or to obtain the signature of any such enrollee on documents which obligate any such enrollee to expend or pay any money.

6. Entering into any agreement or arrangement with any franchisee or establishing any franchise unless such franchisee is furnished with a copy of the order herein and instructed in writing that a condition of his franchise is the refraining from engaging in any of the acts prohibited by the within order.

It is further ordered, That the complaint against School Services, Inc., a corporation, be, and it hereby is, dismissed.

It is further ordered, That the allegations contained in paragraph 5, subparagraphs 3, 7, 8 and 9, and paragraph 7, subparagraph 2 of the complaint be, and they hereby are, dismissed.

It is further ordered, That respondents' request to file a supplemental brief be, and it hereby is, denied.

It is further ordered, That respondent Vincent Melzac's motion to dismiss the complaint be, and it hereby is, denied.

It is further ordered, That respondents Cinderella Career and Finishing Schools, Inc., a corporation, and Stephen Corp., a corporation trading as Cinderella Career College and Finishing School, and Vincent Melzac shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist set forth herein.

Issued: October 4, 1971.

By the Commission, Commissioner Dixon not participating.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-16492 Filed 11-10-71;8:50 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Use of Secondhand Crates and Bags for Shipment and Storage of Food and Animal Feed

Section 3.61 (21 CFR 3.61) established in the FEDERAL REGISTER of April 11, 1968 (33 F.R. 5617), regards as adulterated within the meaning of section 402(a) of the Federal Food, Drug, and Cosmetic Act, shipments of vegetables or other edible foods in used crates or containers that may render the contents injurious to health.

Similar practices have come to the attention of the Commissioner of Food and Drugs in which bags, previously used for the shipment or storage of poisonous substances such as pesticide-treated seeds, were reused to ship or store food or animal feed. These practices have caused the contents of the reused bags to become contaminated. In one instance, contamination was extended to the milk supply because a dairy herd was given feed from bags previously used to ship pesticide-treated seeds.

The Commissioner calls attention to the applicability of the Federal Food, Drug, and Cosmetic Act to the contamination of food and animal feed by such reused containers. Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402(a), 701(a), 52 Stat. 1046, as amended, 1055; 21 U.S.C. 342(a), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), § 3.61 is revised to read as follows:

§ 3.61 *Use of secondhand containers for the shipment or storage of food and animal feed.*

(a) Investigations by the Food and Drug Administration, the National Communicable Disease Center of the U.S. Public Health Service, the Consumer and Marketing Service of the U.S. Department of Agriculture, and by various State public health agencies have revealed practices whereby food and animal feed stored or shipped in secondhand containers have been rendered dangerous to health. Such contamination has been the result of the original use of these containers for the storage and shipment of articles containing or bearing disease organisms or poisonous or deleterious substances.

(b) The Commissioner concludes that such dangerous or potentially dangerous practices include, but are not limited to, the following:

(1) Some vegetable growers and packers employ used poultry crates for shipment of fresh vegetables, including cabbage and celery. Salmonella organisms are commonly present on dressed poultry and in excreta and fluid exudates from dressed birds. Thus wooden crates in which dressed poultry has been iced and packed are potential sources of Salmonella or other enteropathogenic microorganisms that may contaminate fresh vegetables which are frequently consumed without heat treatment.

(2) Some potato growers and producers of animal feeds use secondhand bags for shipment of these articles. Such bags may have originally been used for shipping or storing pesticide-treated seed or other articles bearing or containing poisonous substances. Thus these secondhand bags are potential sources of contamination of the food or animal feed stored or shipped therein.

(c) In a policy statement issued April 11, 1968, the Food and Drug Administration declared adulterated within the meaning of section 402(a) of the Federal Food, Drug, and Cosmetic Act shipments of vegetables or other edible food in used crates or containers that may render the contents injurious to health. This policy statement is extended so that the Food and Drug Administration will regard as adulterated within the meaning of section 402(a) of the act shipments of vegetables, other edible food, or animal feed in used crates, bags, or other containers that may render the contents injurious to health.

(Secs. 402(a), 701(a), 52 Stat. 1046 as amended, 1055; 21 U.S.C. 342(a), 371(a))

Dated: October 27, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-16491 Filed 11-10-71;8:51 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP OB2566) filed by Geigy Industrial Chemicals, Division of Geigy Chemical Corp., Ardsley, N.Y. 10502, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for an additional safe use of octadecyl 3, 5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer in polystyrene and/or rubber-modified polystyrene.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 as amended; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by adding a third limitation to the subject item as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * * *

(b) * * *

List of substances	*Limitations*
* * *	* * *
Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate.	For use only: * * * 3. At levels not exceeding 0.25 percent by weight of polystyrene and/or rubber-modified polystyrene polymers complying with § 121.2510, except that the finished basic rubber-modified polystyrene polymers in contact with fatty foods shall contain not less than 85 weight percent of total polymer units derived from styrene monomer. * * *
* * *	

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (11-11-71).

(Sec. 409(c)(1), 72 Stat. 1786 as amended; 21 U.S.C. 348(c)(1))

Dated: November 1, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-16490 Filed 11-10-71;8:51 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 18—National Aeronautics and Space Administration

PART 18-16—PROCUREMENT FORMS

Subpart 18-16.8—Miscellaneous Forms

LETTERS OF DELEGATION

The following was omitted from the Miscellaneous Amendments which appeared in the issue for Wednesday, November 10, 1971: Sections 18-16.868-1 through 18-16.868-6 are added to read as follows:

§ 18-16.868-1 Letter of Contract Administration Delegation, General (NASA Form 1430).

NASA Form 1430 shall be used for the delegation and redelegation of contract administration functions to other Government agencies and NASA installations.

§ 18-16.868-2 Letter of Contract Administration Delegation, Special Instructions (NASA Form 1430A).

NASA Form 1430A shall be used to provide special instructions to NASA Forms 1430 and 1432, when necessary. (See § 18-51.304(g).)

§ 18-16.868-3 Letter of Acceptance of Contract Administration Delegation (NASA Form 1431).

NASA Form 1431 shall accompany NASA Form 1430 for use by the recipient contract administration office in evidencing acceptance of the delegation.

§ 18-16.868-4 Letter of Contract Administration Delegation—Termination (NASA Form 1432).

NASA Form 1432 shall be used to delegate certain contract termination functions to the cognizant contract administration office when the NASA contracting officer has issued a Notice of Termination.

§ 18-16.868-5 Letter of Audit Delegation (NASA Form 1433).

NASA Form 1433 shall be used to delegate contract audit functions to other Government audit agencies. (See § 18-51.309(c).)

§ 18-16.868-6 Letter of Request for Pricing-Audit Technical Evaluation Services (NASA Form 1434).

NASA Form 1434 shall be used to request specific one-time services or information from other Government agencies when NASA Forms 1430, 1432, and 1433 are not appropriate. (See § 18-51.314.)

RICHARD J. KEEGAN,
Acting Director of Procurement, National Aeronautics and Space Administration.

[FR Doc.71-16557 Filed 11-10-71;8:53 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Arkansas	Garland	Hot Springs				Nov. 12, 1971.
Delaware	Sussex	Bethany Beach				Do.
Indiana	Jefferson	Madison				Do.
Missouri	Clay and Ray	Excelsior Springs				Do.
New Hampshire	Coos	Lancaster				Do.
New Jersey	Ocean	Lacey Township				Do.
Do	Essex	Maplewood Township.				Do.
Do	do	West Orange				Do
Do	Passaic	Paterson				Do.
Do	Bergen	Ridgewood				Do.
Pennsylvania	Northampton	Hellertown				Do.
Do	Delaware	Nether Providence.				Do.
Do	Bucks	Tinicum Township.				Do.
Do	Montgomery	Whitemarsh Township.				Do.
Tennessee	Sevier	Pigeon Forge				Do.
Texas	Jackson	Edna	I 48 239 2120 02 through I 48 239 2120 05	Texas Water Development Board, Post Office Box 12386, Capital Station, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	Edna City Hall, 165 North Allen, Edna, TX 77957.	Do.
Utah	Utah	Unincorporated areas.				Do.
Wisconsin	Winnebago	Oshkosh				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective Aug. 13, 1971, 36 F.R. 16701, Aug. 25, 1971)

Issued: November 4, 1971.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.71-16352 Filed 11-10-71;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Arkansas	Garland	Hot Springs				Nov. 12, 1971.
Delaware	Sussex	Bethany Beach				Do.
Indiana	Jefferson	Madison				Do.
Missouri	Clay and Ray	Excelsior Springs				Do.
New Hampshire	Coos	Lancaster				Do.
New Jersey	Ocean	Lacy Township				Do.
Do	Essex	Maplewood Township.				Do.
Do	do	West Orange				Do.
Do	Passaic	Paterson				Do.
Do	Bergen	Ridgewood				Do.
Pennsylvania	Northampton	Hellertown				Do.
Do	Delaware	Nether Providence.				Do.
Do	Bucks	Tinicum Township.				Do.
Do	Montgomery	Whitemarsh Township.				Do.
Tennessee	Sevier	Pigeon Forge				Do.
Texas	Jackson	Edna	H 48 239 2120 02 through H 48 239 2120 05	Texas Water Development Board, Post Office Box 12386, Capital Station, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	Edna City Hall, 105 North Allen, Edna, TX 77957.	Feb. 9, 1971.
Utah	Utah	Unincorporated areas.				Nov. 12, 1971.
Wisconsin	Winnebago	Oshkosh				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective Aug. 13, 1971, 36 F.R. 16701, Aug. 25, 1971)

Issued: November 4, 1971.

CHARLES W. WIECHING,
Acting Federal Insurance Administrator.

[FR Doc.71-16353 Filed 11-10-71;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 71-80a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Drawbridges in the State of Oregon Where Constant Attendance Is Not Required

This amendment changes the regulations for the Oregon State Highway Division bridge at mile 24, Coquille River and establishes a new section for listing drawbridges in the State of Oregon which are not required to have drawtenders in constant attendance. This amendment was circulated as a public notice dated August 19, 1971, by the Commander, Thirteenth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 71-80) on August 26, 1971 (36 F.R. 16937). No objections to the proposal were received.

Accordingly, Part 117 of Title 33, Code of Federal Regulations is amended as follows:

(1) Revoke § 117.720 (c) and (d), 117.730(b), 117.745, 117.750(b) (5) (iii), 117.755(b) and 117.759.

(2) Add a new § 117.759b immediately after § 117.759a to read as follows:

§ 117.759b Drawbridges across navigable waters in Oregon where constant attendance is not required.

Drawtenders are not required to be in constant attendance at the bridges listed in this section.

(b) The owner of or agency controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge or elsewhere, in such manner that they may be readily read from an approaching vessel, a resume of the regulations of this section pertaining to each bridge, together with information as to whom notice should be given when an opening is required and directions for communicating with such persons by telephone or otherwise.

(c) Prompt openings of the draw shall be made at the time agreed upon.

(d) Test openings shall be made frequently enough to ascertain that the operating machinery of the draws is in serviceable condition.

(e) Signals:

(1) Opening signal. One long blast followed by one short blast.

(2) Acknowledging signal. One long blast followed by one short blast.

(3) When the draw cannot open immediately or is to close. Four short blasts.

(f) The bridges to which this section applies and the regulations applicable in each case are as follows:

(1) Railroad bridge across Coalbank Slough. The draw shall open on signal if at least 24 hours' notice has been given.

(2) Highway bridge across Coalbank Slough. The draw shall open on signal if at least 24 hours' notice has been given.

(3) Railroad bridge across Siuslaw River at Cushman. The draw shall open on signal if at least 24 hours' notice has been given.

(4) Highway bridge across John Day River. The draw shall open on signal if at least 12 hours' notice has been given.

(5) Burlington Northern railroad bridge at North Portland Harbor (Oregon Slough). The draw shall open on signal if at least one-half hour notice has been given.

(6) Southern Pacific railroad bridge across the Willamette River at Albany. The draw shall open on signal, if at least 6 hours' notice has been given.

(7) Benton County highway bridge across the Willamette River at Corvallis. The draw shall open on signal if at least 6 hours' notice has been given.

(8) Highway bridge across the Columbia River between Hood River, Oreg. and White Salmon, Wash. The draw shall open on signal if at least 12 hours' notice has been given.

(9) Highway bridge across the Coquille River at Coquille. The draw shall open on signal if at least 48 hours' notice has been given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on December 17, 1971.

Dated: November 4, 1971.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.71-16477 Filed 11-10-71;8:49 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5116]

[Utah 10287]

UTAH

Addition to National Forest

Correction

In F.R. Doc. 71-13687 appearing at page 18646 in the issue of Saturday, September 18, 1971, the entry under Privately Owned Lands, T. 10 S., R. 1 E., reading "Secs. 25 and 26." should read "Secs. 25 and 36."

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Subpart A—General Administration

REIMBURSEMENT OF INDIVIDUAL PRACTITIONERS

An interim policy setting forth regulations to implement section 1902(a)(30) of the Social Security Act with respect to reasonable charges for individual practitioner services was published in the FEDERAL REGISTER of July, 1969 (34 F.R. 11098). After consideration of views presented by interested persons, the following changes in the regulations are being made: (1) Interim policy section 1(a) has been revised to indicate that the policy applies to payments for the services of doctors of medicine, dentistry, osteopathy, and podiatry. Other individual practitioner services may be included at the option of the State (§ 250.30(b)(3)(i)(*a*)). (2) The upper limits established in the revised regulations do not apply to payments made under title XIX for deductibles or coinsurance imposed under title XVIII (§ 250.30(b)). (3) Interim policy section 1(b) concerning descriptions of payment structures, has been deleted. (4) Interim policy section 1(c) has been deleted, thus eliminating the requirement for prior approval by the Secretary of changes in a payment structure. (5) Interim policy section 1(d)(2) has been revised to eliminate the need for States to submit sensitive fee data (§ 250.30(a)(7)(ii)). (6) Interim policy section 2 has been revised so that the requirements therein allow a payment structure which equates to no more than the highest of the 75th percentile of the range of weighted customary charges in the same localities established under the title XVIII during the calendar year preceding the start of the fiscal year in which the determination is made; or the prevailing charge recognized under part B, title XVIII, for similar services in the same locality on December 31, 1970; or the prevailing charges recognized under part B, title XVIII (§ 250.30(b)(3)(i)(*a*)(2)). (7) Interim policy section 2(a)(2) has been revised to indicate specific methods for determination of the customary charge of the individual practitioner (§ 250.20(b)(3)(i)(*a*)(*1*)). (8) Interim policy sections 2(b) and 3 have been deleted. (9) Paragraph (b) has been revised to indicate the effect of the wage-price freeze announced by the President on August 15, 1971 (Executive Order 11615), and any similar future issuances. Certain other changes of an editorial and clarifying nature have been made.

In addition to the provisions concerning reasonable charges for individual practitioner services, the regulations incorporate certain provisions of the Handbook of Public Assistance Administration (Supplement D) and the requirements of 45 CFR 249.31, which is vacated.

Accordingly, the regulations are amended and codified as set forth below. Parts 249 and 250 are amended as follows:

§ 249.31 [Reserved]

1. Section 249.31 is vacated and reserved, as its content is hereby transferred to and set forth in § 250.30(a)(6).

2. Section 250.30(a) is amended by adding new subparagraphs (4), (5), (6), and (7) and § 250.30(b)(3) is revised to read as follows:

§ 250.30 Reasonable charges.

(a) *State plan requirements.* * * *

(4) Provide assurance that the State agency has access to data identifying the maximum charges allowed and that such data will be made available to the Secretary of Health, Education, and Welfare upon request.

(5) Provide that fee structures will be established which are designed to enlist participation of a sufficient number of providers of services in the program so that eligible persons can receive the medical care and services included in the plan at least to the extent these are available to the general population.

(6) Provide that participation in the program will be limited to providers of service who accept, as payment in full, the amounts paid in accordance with the fee structure, except that, with respect to payment for care furnished in skilled nursing homes, existing supplementation programs are permitted where the State has determined and advised the Secretary of Health, Education, and Welfare that its payments for skilled nursing home services furnished under the plan are less than the reasonable cost of such services permitted under Federal regulations, and the State has prior to January 1, 1971, provided the Secretary with a plan for phasing out such supplementation within a reasonable period after that date.

(7) Provide that any increase in a payment structure that applies to individual practitioner services shall be documented in State manuals or other official files by:

(i) An estimate of the percentile of the range of customary charges to which the revised payment structure equates and a description of the methods used in arriving at the estimate.

(ii) An estimate of the composite average percentage increase of the revised fee structure over its predecessor.

Criteria for meeting Federal requirements pertaining to such payment structures are set forth in paragraph (b)(3)(i)(*a*) of this section.

(b) *Upper limits.* The upper limits for payments for care and services under a medical assistance plan are as follows: The State agency may pay less than the upper limits, except that, in the case of inpatient hospital services, a State may pay less only with prior approval of the Secretary. These upper limits do not apply to payments made under the State plan for deductibles and coinsurance imposed under title XVIII of the Social Security Act. Such payments may be made up to the reasonable charge under title XVIII. The upper limits with respect to any item of medical care and services provided under the State plan shall not exceed the amounts established as the ceilings for the prices of such item pursuant to nationally-imposed economic controls or limitations on the prices of goods and services, including those imposed pursuant to Executive Order 11615 of August 15, 1971, 36 F.R. 15727, or any subsequent issuance.

* * * * *

(3) *Other services.*—(i) *Noninstitutional services.*—(*a*) *Payments to individual practitioners.* (This applies to services of doctors of medicine, dentistry, osteopathy, and podiatry. At the option of the State, other individual practitioner services may be included.) A payment structure will meet Federal requirements if (as documented in State manuals or other official files):

(*1*) Payment to the individual practitioner is limited to the lowest of

(*i*) His actual charge for service;

(*ii*) The median of his charge for a given service derived from claims

processed or from claims for services rendered during all of the calendar year preceding the start of the fiscal year in which the determination is made; or

(*iii*) His reasonable charge recognized under part B, title XVIII.

(2) In no case may payment exceed the highest of

(*i*) Beginning July 1, 1971, the 75th percentile of the range of weighted customary charges in the same localities established under title XVIII during the calendar year preceding the fiscal year in which the determination is made;

(*ii*) The prevailing charge recognized under part B, title XVIII, for similar services in the same locality on December 31, 1970 and found acceptable by the Secretary; or

(*iii*) The prevailing reasonable charge recognized under part B, title XVIII.

(*b*) *Other noninstitutional services.* The upper limits for payment shall be customary charges which are reasonable. The prevailing charges in the locality for comparable services under comparable circumstances shall set the upper limits for payments. In reviewing prevailing charges for reasonableness, the State agency should consider the combined payments received by providers (for furnishing comparable services under comparable circumstances) from the carriers under part B, title XVIII of the Act and beneficiaries under such title, and the combined payments received from other third-party insuring organizations and their regular policy holders and subscribers, using whichever of these criteria or other criteria are appropriate to the specific provider service.

* * * * *

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. These amendments shall be retroactive to July 1, 1969.

Dated: October 22, 1971.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: November 4, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-16468 Filed 11-10-71;8:49 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19160; FCC 71-1138]

PART 73—RADIO BROADCAST SERVICES

Second Report and Order

In the matter of amendment of § 73.202, *Table of Assignments, FM. Broadcast Stations.* (Muskegon Heights, Mich.; Newport, R.I.; Pennington Gap, Va.; Heath, Ohio; Columbus, Tex.; Middlebury, Vt.; Three Rivers, Mich.; Ashdown, Ark.; Vandalia, Ill.; Lincoln, Maine; Bossier City, La.; Vevay, Ind.; Bonita Springs, Fla.; Jenkins, Ky.; Peterborough, N.H.; Santa Paula, Calif.; Crown Point, Ind.; Luverne, Minn.; Red Bank-White Oak, Tenn.; North Myrtle Beach, S.C.; Napoleon, Ohio; Central City, Pa.; Waseca, Minn.; Quebradillas, P.R.; Security, Colo.; Ord, Nebr.; and Vail, Colo.) Delphos and Georgetown, Ohio., Docket No. 19160, *RM-1618*, RM-1634, RM-1641, *RM-1642*, RM-1647, RM-1649, RM-1657, RM-1662, RM-1663, RM-1664, *RM-1668*, RM-1669, RM-1671, RM-1672, *RM-1565, RM-1673*, RM-1676, RM-1690, *RM-1692, RM-1699*, RM-1704, *RM-1705, RM-1707*, RM-1708, RM-1717, RM-1718, RM-1720, *RM-1721*, RM-1730, *RM-1582.*

1. The Commission has under consideration its notice of proposed rule making issued February 26, 1971 (FCC 71-191) inviting comments on a number of requests for first FM channel assignments. The first report and order, issued May 21, 1971, considered the 19 proposals about which no questions were raised in the notice. This second report and order will consider the remaining 11 proposals for assignment of channels to 10 communities. Except for Vail, Colo., there is one proposal for each of the 9 communities for a Class A channel. In the case of Vail, there are two proposals: One for a Class A channel and one for a Class C channel. Comments were received on all of the proposals, which satisfactorily answered the questions raised in the notice, and they will be considered individually. Three of the proposals considered herein would require selection of transmitter sites a few miles removed from the city reference points.[1] Assignments to these communities are made on the basis that they can and will be used at standard separations with respect to other assignments and stations. Except as noted, all population figures are from the 1970 U.S. Census (preliminary or final) reports.

2. *Muskegon Heights, Mich.* (*RM-1618*). Muskegon Heights Broadcasting Co., licensee of daytime-only AM station WKJR, seeks assignment of Channel 269A at Muskegon Heights, Michigan. Muskegon Heights, with a population of 17,304, is located in Muskegon County (156,077 population) and is part of Muskegon-Muskegon Heights SMSA. It is located south of and adjacent to Muskegon (population 44,377). There is only one AM station in Muskegon Heights. The preclusion study indicates that the assignment of the channel as requested would not have adverse impact on the six adjacent channels. The precluded area for Channel 269A itself would involve a narrow area along the east shore of Lake Michigan, where there are three populated zones in which Channel 269A could be assigned. In the Muskegon-Muskegon Heights area (96,625 population), there are two FM and four AM stations; in the Holland-Zeeland area (33,785 population), three FM and two AM stations; and Grand Haven-Spring Lake area (17,074 population), one FM and one AM station. From this information it appears that there is a greater need for additional FM assignment in the Muskegon-Muskegon Heights area, especially one which would provide a first FM channel to Muskegon Heights. Accordingly, we have concluded that the public interest would be served by making the requested assignment.

3. *Heath, Ohio* (*RM-1642*). Runnymede, Inc., requests assignment of Channel 269A at Heath, Ohio. Heath, with a population of 6,768, is located in Licking County (population 106,547). Heath is situated southwest of and adjacent to Newark, Ohio (population 42,836). There is one daytime-only AM station in Heath. Runnymede asserts that Heath is a growing community, the center of commerce in Licking County, and submits information on the characteristics of the community. The Runnymede preclusion study shows that its proposal would not have impact on the six adjacent channels. On Channel 269A, there are four communities to which this channel can be utilized. As to these communities, Newark and Lancaster, Ohio (population 42,838 and 32,911, respectively) each has an FM and a daytime-only AM station; Granville, Ohio, (population 3,963) is located in the same general area of Heath and is within four miles of Heath's assumed transmitter site, and New Lexington, Ohio (population 4,021), has no local aural broadcast facilities but Channels 224A or 292A could be assigned there. On the basis of this information it appears that there is a need for another FM station in this area. If the channel were assigned to Heath, it would foreclose its use in Newark which itself has only one FM station. Accordingly, we believe that the public interest would best be served by assigning the channel to Newark, thus also permitting its use in Heath or any other unlisted community in the vicinity.

4. *Bossier City, La.* (*RM-1668*). Joel E. Wharton proposes assignment of Channel 261A to Bossier City, La. Bossier City, with a population of 43,066, is located northeast of and adjacent to Shreveport, La., in Bossier Parish (population 64,379). Bossier City does not have any local aural broadcast facility, but there are four FM and seven AM stations in Shreveport (population 178,061). Wharton asserts that there are many factors showing that Bossier City is a separate community and is the largest community in the parish. The preclusion study shows that the proposed assignment would not have any impact on the six adjacent channels. The precluded area on Channel 261A involves five communities where a channel could be assigned, which are much smaller than Bossier City. Each of these communities has either an AM station or both AM and FM stations. It would also foreclose the otherwise possible assignment of this channel to Shreveport. As with Newark/Heath, Ohio, we believe the better approach would be to assign

[1] The assignments which must be used outside the communities in question are Crown Point, Ind., 6 miles south; Heath, Ohio, 3 miles southwest; and Red Bank City, Tenn., 1 mile north.

the channel to the central city (Shreveport) which presently has allocated four channels, an approach which would permit application for its use in Bossier City.

5. *Bonita Springs, Fla. (RM–1673).* Carl Richard Buckner, licensee of FM Station WCOF–FM, Immokalee, Fla., operating on Channel 240A, seeks to move his station to Bonita Springs, Fla., 23 miles west. His AM Station WCOF will remain in Immokalee. Immokalee, an unincorporated community of 3,764, is located in Collier County; Bonita Springs, with a population of 1,932 is an unincorporated community located in Lee County (102,473 population). The notice invited comments on the requested move and stated that, if no other party expressed interest in the channel at Bonita Springs, we proposed to modify the license of Station WCOF–FM. Numerous letters supporting the move of the station were received. Except for Mr. Buckner, none expressed interest in the station. Adoption of the proposal would provide a first local outlet for Bonita Springs, a result we believe to be in the public interest. Therefore, we will amend the FM Table of Assignments to reflect this change in the location, and the license of Station WCOF–FM will be modified accordingly.[2]

6. *Santa Paula, Calif. (RM–1692).* Jerry Lawrence requests assignment of Channel 244A at Santa Paula, Calif. Santa Paula, with a population of 17,652 is located in Ventura County (374,410 population) and is part of Oxnard-Ventura SMSA. There is a full-time Class IV AM station in Santa Paula. The preclusion study indicates that the proposed assignment at Santa Paula would not have adverse impact on the six adjacent channels, but on Channel 244A itself, there are several communities within the precluded area. However, these communities already have FM assignments, the numbers of which comport with the allocation criteria. The requested channel would be the first local FM assignment in Santa Paula and the sixth assignment to the Oxnard-Ventura area. Thus it would be in the public interest to assign Channel 244A to Santa Paula, California.

7. *Crown Point, Ind. (RM–1699).* John Meyer requests assignment of Channel 280A at Crown Point, Ind. Crown Point, with a population of 10,931, is the seat of Lake County, Ind. (546,253 population). The portion of Lake County in which Crown Point is located is a part of the Gary-Hammond-East Chicago SMSA but not part of the Chicago, Ill.-Northwestern Indiana Urbanized Area. Although there are a number of broadcast services available within Crown Point, it has no local aural broadcast facility. Meyer's preclusion study shows that there are no areas that would be precluded on the six adjacent channels. On Channel 280A, there is a precluded area in which a number of communities are located. However, it is noted that these communities either have an FM assigment or assignments or are located close to larger communities which have at least one assignment.

8. At the time the notice in this proceeding was issued, there was outstanding a proposal to assign Channel 296A at Lowell, Ind.[3] A question was thus raised as to the appropriateness of making two channel assignments to the same county. In response, Meyer states that both assignments should be made, that there is only one commercial FM station in the county, i.e., at Hammond, and that southern part of the county, in which Crown Point and Lowell are located, is nonurbanized and where the greatest population and industrial growth is taking place. Meyer asserts that, if a choice must be made, Crown Point would be a logical place for a Lake County station, because it is the county seat and the community is larger than Lowell. William J. Dunn, proponent for the assignment at Lowell, opposes the Crown Point proposal. He argues that, since the Crown Point station would have to be located 5 miles south from the center of the community, it would serve the same rural area as that of a Lowell station, and suggests, without specifying, an assignment of another channel that would permit selection of a site north of Crown Point where it would be closer to the industrial and urban areas, to which, he contends, Crown Point is closely related. Since no choice must be made, it is not necessary to decide this issue.

9. We are of the view that the assignment of Channel 280A at Crown Point would be in the public interest and would result in more efficient utilization of the FM channels. Because of the proximity of Crown Point to larger communities, Channel 280A remains the only channel that could be assigned there without extensive readjustment of other assignments. While this channel must be utilized about 5 miles south of Crown Point, we believe that the resulting diversity of progam service to Lowell would be in the public interest. As to communities in the precluded area on Channel 280A, we are persuaded that they they do not have as great a need for an additional channel, or because they are located near the communities which have channel assignments, they do not have an equal need for a first assignment.

10. *Red Bank-White Oak, Tenn. (RM–1705).* Roy Davis seeks assignment of Channel 232A at Red Bank-White Oak, Tenn.[4] Red Bank-White Oak (11,914 population) is located north of and adjacent to Chattanooga (population 113,003). It is located in Hamilton County (242,782 population) and is part of the Chattanooga urbanized area and the Chattanooga, Tennessee-Georgia SMSA (293,034 population). The preclusion study shows that there will be no areas which will be precluded on the six adjacent channels if Channel 232A were to be assigned there. On Channel 232A, the precluded area contains three communities where the channel could be assigned. Petitioner shows that two communities are much smaller than Red Bank-White Oak and each has a local aural broadcast facility, and the third community is located in the Chattanooga urbanized area. Davis contends that Channel 232A is the only channel that could be assigned to this community. Since the requested channel would provide Red Bank-White Oak with its first aural facility and the Chattanooga area with its fifth FM channel, we find that it would be in the public interest to assign Channel 232A to Red Bank-White Oak, Tenn.[5]

11. *North Myrtle Beach, S.C. (RM–1707).* North Myrtle Beach Broadcasting Corp. requests assignment of Channel 288A to the town of North Myrtle Beach, S.C. (population 1,671). The community is located in Horry County (population 67,804) on the Atlantic coast, approximately 15 miles northeast of Myrtle Beach, S.C. There are no local aural broadcast facilities in North Myrtle Beach. The preclusion study indicates that the proposed channel assignment would not preclude the use of the six adjacent channels. On Channel 288A, there are four communities in the precluded area, but the communities, except for Southport, N.C., are not as large as North Myrtle Beach, and there is a daytime-only AM station in two of the communities. As to Southport, it is located approximately 20 miles south of Wilmington, N.C., where there are four FM and four AM stations in operation. In view of the above, we find that the assignment of Channel 288A to North Myrtle Beach, S.C., would be in the public interest.

12. *Security, Colorado (RM–1721).* Edward J. Patrick proposes assignment of Channel 288A to Security, Colo. Security (9,017 population, 1960 Census) is an unincorporated community located in El Paso County (228,572 population), about 7 miles southeast of Colorado Springs (124,856 population). Petitioner contends that Security is a growing community with an estimated 1970 population of 20,000, and submits information on the characteristics of the community. The preclusion study indicates that there will be no adverse impact on the six adjacent channels. On Channel 288A, the precluded area includes a number of communities where an assignment could be made. However, these communities have FM assignments and do not appear to have the need for an additional channel. Further, the petitioner has shown that there are other channels available for assignment to these communities. On this basis we agree that it would be in the public interest to assign Channel

[2] Because of the distance of the move involved it will be necessary for Buckner to request new call letters.

[3] By report and order, FCC 71–376, adopted April 8, 1971, Channel 296A was assigned to Lowell, Ind.

[4] 1970 U.S. Census lists this community as Red Bank City.

[5] Unlike the Heath/Newark and Bossier City/Shreveport situations, it does not appear that this channel would be able to provide the requisite signal to Chattanooga. For this reason we have followed a different approach in this instance.

288A to Security, Colo., the sixth assignment to the Colorado Springs area.

13. *Vail, Colo. (RM–1565 and RM–1582).* Aspen Broadcasting Co., Inc. (Aspen), and Nathaniel B. Harris (Harris) request assignment of Channel 272A and Channel 268, respectively, to Vail, Colo. The notice observed that, from the technical standpoint, either or both channels might be assigned to Vail. In response to the notice, Armstrong Broadcasting Corp., licensee of Station KOSI–FM, Denver, Colo. (Armstrong), filed comments, stating that its then pending application (BPH–7505),[6] to relocate its transmitter site to Lookout Mountain conflicted with the Harris proposal for assignment of Channel 268 at Vail, and suggesting that Channel 229 could be assigned to vail instead, if the assignments were to be changed at Craig, Colo., from Channel 229 to Channel 270 and Leadville, Colo., from Channel 228A to Channel 276A.

14. In urging the assignment of Channel 272A, Aspen contends that assignment of Class C channel to Vail would conflict with the basic assignment policy of restricting wide-coverage Class C assignments to principal cities of substantial population in metropolitan areas; that the area could not support a large high-powered FM facility, and that the allegation of "a broad economic base" appears to be more speculation than fact. Aspen opposes the Armstrong proposal, contending that it would disrupt the existing Table of Assignments and would provide a channel with marginal utility to Leadville, Colo. Harris on the other hand supports the assignment of either Channel 268 or Channel 229 as proposed by Armstrong. Harris contends that there is a need for a Class C channel to provide service not only to one of the most rapidly developing permanent resort areas in the United States but also to a large number of Colorado ski and recreational areas and to some 30 communities which would otherwise be without FM service because the mountainous terrain separates them from existing stations.

15. Although there is a dispute as to whether there is a sound economic basis upon which a Class C station would be able to operate in this area, we believe that assignment of a Class C channel would be in the public interest because it would provide for a first FM service to a wide area. Since Station KOSI–FM has been authorized to operate from Lookout Mountain, assignment of Channel 268 to Vail would not comply with section 73.207 of the rules unless a site is selected much farther removed from Vail than assumed by Harris. As proposed by Armstrong, Channel 229 could be assigned to Vail. However, Aspen raised the question of marginal utilization of the channel proposed for Leadville, Colo. Our study indicates that channel 284 could be assigned to Vail without the infirmity raised by Aspen, and it also would not require shifting of any of the existing assignments. Thus, we will assign Channel 284 to Vail, Colo., and deny the request for a Class A channel there. In making this assignment, and in order to provide the service on which it is premised, it is to be understood that any applicant must be prepared to construct and operate a station with a power of at least 75 kw, and antenna height of at least 1,000 feet above average terrain or their equivalent.

16. In view of the foregoing, and pursuant to sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, effective December 17, § 73.202(b) of the Commission's rules, the Table of FM Assignments, is amended, by the addition of the following entries:

City	*Channel No.*
Santa Paula, Calif.	244A.
Security, Colo.	288A.
Vail, Colo.	[1] 284.
Bonita Springs, Fla.	240A.
Immokalee, Fla.	---
Crown Point, Ind.	280A.
Shreveport, La.	229, 233, 243, 261A, 266.
Muskegon Heights, Mich.	269A.
Newark, Ohio	262, 269A.
North Myrtle Beach, S.C.	288A.
Red Bank City, Tenn.	232A.

[1] Any application for this channel must specify an effective radiated power of 75 kw. and antenna height of 1,000 feet above average terrain or equivalent.

17. *It is further ordered,* That, effective December 17, 1971, the license of Station WCOF–FM, Immokalee, Fla., operating on Channel 240A, is modified to specify Bonita Springs, Fla., subject to the following conditions:

(a) That the licensee of Station WCOF–FM shall submit to the Commission by December 30, 1971, the technical information called for by sections V–B and V–G of Form 301, to demonstrate compliance with all applicable technical requirements and in order to prepare a modified authorization to cover construction at the new location, and a survey made to ascertain the needs, interests and problems of Bonita Springs, Fla., as if it were an applicant for a permit to construct a new FM station in that community.

(b) That the licensee may continue to operate with its present authorization until ready to commence operation at the new location in accordance with this modification, and that upon completion of construction of its new facilities in accordance with the terms of the modified authorization, the licensee shall submit in triplicate, proof of performance measurement data necessary to demonstrate compliance with the applicable technical performance requirements of the rules, of the type normally required to be furnished in an application for FM license, at least 10 days prior to the date on which the licensee desires to begin program operations at the new location, with the proviso that program operations are not to be commenced until specifically authorized by the Commission after its evaluation and acceptance of this data.

18. *It is further ordered,* That the request (RM–1565) to assign Channel 272A to Vail, Colo., is denied.

19. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: November 3, 1971.

Released: November 5, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-16512 Filed 11-10-71;8:52 am]

[6] Granted July 20, 1971.

[7] Commissioner Johnson absent.

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 70–23; Notice 4]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Brake Fluids

Motor Vehicle Safety Standard No. 116, establishing requirements for motor vehicle brake fluids and containers was amended on June 24, 1971 (36 F.R. 11987). Corrections were published on August 11, 1971 (36 F.R. 14742) and August 17, 1971 (36 F.R. 15534). Pursuant to 49 CFR 553.35 (35 F.R. 5119) petitions for reconsideration of the amendment were filed by Automotive Parts and Accessories Association, Inc., Citroen S.A., General Motors Corp., R. M. Hollingshead Corp., Union Carbide Corp., and Wagner Electric Corp. Subsequently, requests for rule making were received from Gold Eagle Products, Co., and Union Carbide.

In response to information contained in several of the petitions, and to data recently available to the Administrator, the standard is being amended. The Administrator has declined to grant requested relief from other requirements of the standard.

1. *Deletion of grade DOT 4 fluid.* Wagner Electric petitioned for the deletion of grade DOT 4 fluid, and the adoption of a single minimum standard with the viscosity requirements of grade DOT 4 and the boiling point characteristics of grade DOT 3.

As the Administration noted in the June 24 amendment to Standard No. 116, "there is a need for two grades of brake fluid until an all-weather fluid is developed with viscosity and boiling point characteristics suitable for use in all braking systems." Temperatures of fluids in use in western mountain driving have reached 295° F., and the Administration deems it essential to retain the DOT 4 fluid, with its minimum wet equilibrium reflux boiling point (ERBP) of 311° F. Accordingly, Wagner's petition is denied.

2. *Deletion or modification of wet ERBP requirements.* Wagner, Union Carbide, and Hollingshead petitioned for the deletion of the wet ERBP requirements on the grounds that the test procedure is not sufficiently reproducible, and that vapor lock temperature is a more appropriate factor to use for determination of operational characteristics of a brake fluid.

The wet ERBP test is based primarily upon the SAE test for determination of the as received boiling point of brake fluid, a test that has been used by industry for years. The major problems in determining water content have been resolved. While the wet ERBP test procedure does not measure actual vapor lock temperature, which is often substantially below that of the wet boiling point, it provides a basis for measuring the service capacity of the fluid to resist vapor lock. The petitions are denied.

3. *Petroleum-based and silicone-based fluids.* Standard No. 116 as in effect until March 1, 1972, specifically excludes petroleum-based fluids from its applicability. The amendment of June 24, however, applies to "all brake fluid for use in hydraulic brake systems of motor vehicles," and effectively prohibits the manufacture of petroleum-based and silicone-based fluids whose performance characteristics differ from conventional brake fluids. Although we have asked for comments on appropriate performance requirements for nonhygroscopic fluids (Docket No. 71–13, Notice 1, 36 F.R. 12032), to be incorporated into a standard with a proposed effective date of January 1, 1973, there will be, at a minimum, a 10-month period during which manufacture of these fluids is effectively prohibited. General Motors and Citroen have asked us to reconsider this point, the latter stating that all its vehicles use a petroleum-based fluid, and that its sales in the United States will be effectively curtailed during the hiatus between the two standards.

In the absence of a demonstrable safety problem concerning the use of petroleum-based and silicone-based fluids, the petitions are deemed to have merit and Standard No. 116 is being amended to exclude these fluids from its ambit. We urge manufacturers, however, to take precautions to assure that adverse cross-contamination with hygroscopic fluids does not occur in the absence of appropriate regulations intended to eliminate this hazard.

4. *Labeling requirements.* Automotive Parts and Accessories, General Motors, Hollingshead, Union Carbide, and Wagner Electric petitioned for reconsideration of various portions of the labeling requirements. Gold Eagle also apprised us of problems with labeling requirements.

The petitioners have brought to our attention that packagers may use more than one manufacturer as a source for brake fluid packaged under a single brand name, and that under the present regulation requiring manufacturer identification on the can, packagers will either have to stock duplicate cans or purchase from one source. We initially considered manufacturer identification to be necessary in the event of brake fluid defect notification campaigns. However, it has been determined that the serial number identifying the packaged lot and date of packaging will be sufficient for the packager to identify the manufacturer of any defective fluid, and paragraph S5.2.2.2(b) is being amended to delete manufacturer identification. In response to requests for alternate location of the serial number, S5.2.2.2(d) is being amended to allow the number to be placed below the information required by S5.2.2.2(c). An alternate location has also been specified for the information required by S5.2.2.2(b) if it is in code form.

Two petitioners voiced the fear that the safety warning of paragraph S5.2.2.2 (g)(1), to follow the vehicle manufacturer's recommendations in adding brake fluid, might result in the promotion by automobile dealers of specified brand names, possibly creating an unfair trade practice. The agency views this possibility as unrelated to motor vehicle safety since presumably all brake fluid will conform to Standard No. 116. In any event, a change of wording cannot eliminate this possibility, and the petitions are denied.

Petitions were also received requesting that the safety warnings against refilling containers (S5.2.2.2(g)(4)) not apply to storage containers with a capacity in excess of 5 gallons, since containers (30 and 50 gallon sizes, tank cars, etc.) differ from retail sale size cans and are reused for shipping purposes after cleaning. These petitions are granted and S5.2.2.2 (g)(4) is being amended accordingly.

5. *Applicability to motor vehicles.* Union Carbide asked whether brake fluid in a vehicle must meet the requirements of Standard No. 116 when the vehicle is sold, pointing out that in extreme cases as long as a year may pass between its manufacture and sale. The NHTSA recognizes that original dry boiling points and viscosity of brake fluid may degrade due to the permeability of the brake system when a vehicle is exposed to the atmosphere over a period of time prior to its first sale for purposes other than resale, and that it is impracticable to require that brake fluid meet Standard No. 116 at time of sale when the "container" is a motor vehicle. Therefore, the standard is being amended so that the main portion applies only to brake fluid, with an added requirement applicable to motor vehicles, that they be equipped either with brake fluid manufactured and packaged in conformity with Standard No. 116, or with petroleum-based or silicone-based brake fluid (new paragraph S5.3).

6. *Resistance to oxidation: Preparation.* An amendment to paragraph S6.11.4 (b) specifies that the oxidation resistance test is to be conducted not later than 24 hours after the test mixture has been removed from the oven.

7. *Effect on SBR cups: Procedure and calculation.* The SAE has also proposed a reduction of the time that the cups and fluid are exposed to oven heat at 70° C. The NHTSA is amending S6.12.4 to reduce exposure time to 70±2 hours, as it has been found that virtually all rubber swell occurs at this temperature during the first 48 hours.

The SAE has also concluded that cups should be retested and remeasured when the base diameters of the tested cups differ by more than 0.10 mm. This agency has determined that averaging four values as the change in base diameter, when a spread greater than 0.10 mm. occurs, will result in a more precise determination of whether the requirements of paragraph S5.1.12(a) have been met, and is amending paragraph S6.12.5(a) appropriately.

8. *Typographical errors.* An erroneous standard barometric pressure figure of 750 mm. appeared in the subscript of Table III and is being corrected to 760 mm. SAE Standard J1703a, referred to in S7.6, is corrected to read "J1703b."

9. *Interpretations.* Several petitions evidenced confusion over whether sale of fluids manufactured prior to March 1, 1972, will be allowed after that date. Sale of such fluids is permissible on and after March 1, 1972, until supplies are exhausted, with the legal requirement that they conform at time of sale to Standard No. 116 as in effect prior to March 1, 1972.

The agency was also asked whether name of city and ZIP code is acceptable as the complete mailing address of the distributor, required by paragraph S5.2.2.2(c). A mailing address is considered complete only if it is sufficient for the delivery of mail by the U.S. Postal Service, and containers must be marked accordingly.

Several petitioners asked for a delay to July 1, 1972, of various portions of the labeling requirements of paragraph S5.2.2.2 because of the logistics involved in modifying, in one instance, as many as 90 different labels. A delay in the effective date has not been found to be in the public interest, and the petitions on this point are denied. Gummed labels meeting the requirements of S5.2.2.2, however, may be affixed to these cans until new cans are available.

Finally, several petitioners requested clarification of the container sealing terminology in paragraph S5.2.1. The "inner seal" is the cap liner. Examples of "tamper-proof features" are devices such as a metal insert in the neck of the container, a plastic over-wrap, or a twist-off aluminum cap with a breakaway portion.

In consideration of the foregoing, Motor Vehicle Safety Standard No. 116 in 49 CFR 571.21 is revised as follows:

1. Paragraph S3 is amended to read:

S3. *Application.* This standard applies to all brake fluid for use in hydraulic brake systems of motor vehicles, except for petroleum-based and silicone-based brake fluids. In addition, S5.3 applies to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles.

2. Paragraph S5.2.2.2(b) is amended to read:

(b) The name of the packager of the brake fluid. The information may be in code form and, if coded, shall be placed beneath the distributor's name and mailing address or on the bottom of the container.

3. Paragraph S5.2.2.2(d) is amended to read:

(d) A serial number identifying the packaged lot and date of packaging that shall be legible and stamped on the bottom of the container or beneath the information required in paragraph (c) of this section.

4. Paragraph S5.2.2.2(g)(4) is amended by adding at the end thereof: "(Not required for containers with a capacity in excess of 5 gallons)."

5. S5.3 is added to read as follows:

S5.3 *Motor vehicle requirement.* Each passenger car, multipurpose passenger vehicle, truck, bus, trailer, and motorcycle that has a hydraulic service brake system shall be equipped either with brake fluid that has been manufactured and packaged in conformity with the requirements of this standard, or with petroleum-based or silicone-based brake fluid.

6. The figure "750" appearing at the end of the first line in subscript a of Table III (paragraph S6.1.5(b)) is amended to read "760".

7. The following sentence is added at the end of paragraph S6.11.4(b): "Begin testing according to paragraph S6.11.5 not later than 24 hours after removal of tube from oven."

8. The third sentence of paragraph S6.12.4 is changed to read: "Place one jar in an oven held at 70°±2° C. (158±3.6° F.) for 70±2 hours."

9. Paragraph S6.12.5(a) is changed to read:

(a) Calculate the change in base diameter for each cup. If the two values, at each temperature, do not differ by more than 0.10 mm. (0.004 inch) average them to the nearest 0.02 mm. (0.001 inch). If the two values differ by more than 0.10 mm., repeat the test at the appropriate temperature and average the four values as the change in base diameter. 10. The reference to "SAE J1703a" in paragraph S7.6 is amended to read "SAE J1703b."

Effective date: March 1, 1972.

(Secs. 103, 112, 114, and 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1401, 1403, and 1407, and delegation of authority from Secretary of Transportation to National Highway Traffic Safety Administrator, 49 CFR 1.51)

Issued on November 8, 1971.

CHARLES H. HARTMAN,
Acting Administrator.

[FR Doc.71-16521 Filed 11-10-71;8:52 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-85]

PART 1062—SPECIAL REGULATIONS FOR FOR-HIRE MOTOR CARRIERS ENGAGED IN THE TRANSPORTATION FOR RECYCLING OR REUSE OF "WASTE" PRODUCTS IN FURTHERANCE OF RECOGNIZED POLLUTION CONTROL PROGRAMS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 30th day of September 1971.

It appearing, that the Commission, on the date hereof, has made and filed its report in this proceeding setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof;

It further appearing, that based upon the explanation set forth in the said report, this proceeding was instituted under the authority of part II of the Interstate Commerce Act, and particularly sections 204, 206, 207, 208, and 210 thereof, and 5 U.S.C. 553 and 559 (the Administrative Procedure Act), for the purpose of determining whether the present or future public convenience and necessity require the adoption of certain procedures which would implement pollution control programs described in the said report;

It is ordered, That the petitions filed jointly by Dieckbrader Express, Inc., and Schneider Transport and Storage, Inc., and individually by the Western Railroad Traffic Association for modification of procedures, and the separate requests for oral hearing filed by the National Tank Truck Carriers, Inc., and Chemical Leaman Tank Lines, Inc., be, and they are hereby, denied for the reasons set forth in the appended report.[1]

It is further ordered, That Subchapter A of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding a new Part 1062 reading as follows:

§ 1062.1 Special procedures for for-hire motor carriers engaged in transportation for recycling or reuse of "waste" products in furtherance of recognized pollution control programs.

(a) *Scope of special rules.* These special rules govern the filing and handling of applications seeking the right to operate pursuant to a special certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, by motor vehicle, over irregular routes, of "waste" products for recycling or reuse in furtherance of recognized pollution control programs, between all points in the United States (including Alaska and Hawaii), subject to certain terms, conditions, and restrictions set forth in the certificate embodied in paragraph (d) of this section.

(b) *Applications for a special certificate.* Motor carriers desiring to perform operations pursuant to the special certificate of public convenience and necessity set forth in paragraph (d) of this section must file with this Commission a sworn and notarized request (which may be in letter form) containing the following: (1) The name and address of the carrier's representative to whom inquiries may be made, (2) the designation of the carrier's statutory agent for service of process within each of the States in or through which operations are proposed to be conducted (Form BOC-3), (3) evidence of the carrier's insurance coverage (Forms BMC-90 and BMC-91) or a statement that such evidence is already on file at this Commission, (4) a copy of the carrier's tariff (in addition to the three copies filed with this Commission's Bureau of Traffic) pursuant to which the service authorized by these rules will be performed, which tariff must specify (i) the territory or points to be served, (ii) the specific commodities to be transported, and (iii) the rates to be charged (said tariff cannot be made effective for at least 30 days after the date such tariff is filed with this Commission unless special permission has been granted), (5) a statement that all State regulatory agencies in those States in or through which operations are proposed to be conducted have been notified of the carrier's application to become a party to the special certificate embodied in paragraph (d) of this section, (6) a statement describing the pollution control program or programs in which the carrier intends to participate, and (7) a statement demonstrating the applicant's fitness (including a demonstration of applicant's familiarity with the applicable safety requirements and statement of the proposed method of operation and equipment available for such service) to perform the involved service.

(c) *Waiver of certain filing requirements.* The filing of annual reports provided in section 220(a) of the Interstate Commerce Act is suspended as to the operations authorized in the special certificate set forth in paragraph (d) of this section.

(d) *Certification.* Appropriate acknowledgement letters will be issued to notify motor carriers that they have been found eligible to operate pursuant to the special certificate of public convenience and necessity which reads as follows:

SPECIAL CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

[Ex Parte No. MC-85]

DESIGNATED MOTOR CARRIERS PARTICIPATING IN THE TRANSPORTATION OF "WASTE" PRODUCTS FOR RECYCLING OR REUSE IN FURTHERANCE OF RECOGNIZED POLLUTION CONTROL PROGRAMS

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 30th day of September 1971.

After due investigation, it appearing that the described carriers have complied with all applicable provisions of the Interstate Commerce Act, and the requirements, rules, and regulations prescribed thereunder, and, having complied with all the requirements established by the Commission in its report in Ex Parte No. MC-85, are, therefore, entitled to receive authority from this Commission to engage in transportation in interstate or foreign commerce as motor carriers; and the Commission so finding:

It is ordered, That the said carriers be, and they are hereby, granted this special certificate of public convenience and necessity as evidence of the authority of the holders to engage in transportation in interstate or foreign commerce as common carriers by motor vehicle; subject, however, to such terms, conditions, and limitations as are now, or may hereafter be, attached to the exercise of the privileges herein granted to the said carriers.

It is further ordered, And is made a condition of this certificate that the holders

[1] Report filed as part of the original document.

thereof shall render reasonably continuous and adequate service to the public in pursuance of the authority herein granted, and that failure so to do shall constitute sufficient grounds for suspension, change, or revocation of this certificate as to any such holder.

And it is further ordered, That the transportation service to be performed by the said carriers in interstate or foreign commerce shall be as follows:

Between all points as indicated in appropriately filed tariffs in the transportation of "waste" products for recycling or reuse in the furtherance of recognized pollution control programs.

TERMS, CONDITIONS, AND LIMITATIONS

The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by the said participating carrier shall not be construed as conferring more than one operating right.

Any motor carrier holding a contract carrier permit authority in the transportation of commodities similar to those authorized in the above-described certificate for any of the shippers participating in pertinent pollution control programs shall not be permitted to transport the involved commodities for the same shipper as a common carrier under the authority granted herein. The right of the Commission to impose in the future such terms, conditions, or limitations as may be necessary to insure that any participating carrier's operations conform to the requirements of the Interstate Commerce Act, including section 210 thereof, is hereby expressly reserved.

To the extent that any eligible holder of this special certificate also holds a certificate of registration issued by this Commission and would become ineligible to operate pursuant to that certificate of registration because of multi-State operations authorized by this special certificate, this special certificate will authorize the continuation of the registered operations pursuant to the same terms, conditions, or limitations embraced in the certificate of registration.

The authority granted herein does not authorize the transportation of newly manufactured commodities or commodities not in the recycling process in furtherance of a recognized pollution control program.

The authority granted herein shall not hereafter be severed by sale or otherwise.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

(Secs. 204, 206, 207, 208, and 210; 49 Stat. 546, as amended, 551, as amended, 552, as amended, 554, as amended; 49 U.S.C. 304, 306, 307, 308, and 310)

It is further ordered, That this order shall become effective on December 15, 1971, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-16498 Filed 11-10-71;8:51 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Savannah National Wildlife Refuge, Ga.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (11-11-71).

§ 32.12 Special regulations; migratory birds; for individual wildlife refuge areas.

GEORGIA

SAVANNAH NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, and snipe on the Savannah National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,600 acres, is delineated on the map which is available at the refuge headquarters, Hardeeville, S.C., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, coots, and snipe, subject to the following conditions:

(1) Hunting will be permitted only on Thursdays, Fridays, and Saturdays, from one-half hour before sunrise to 2 p.m. during the period November 22, 1971, through January 20, 1972. Snipe hunting from December 11, 1971, through January 20, 1971.

(2) Hunting will not be permitted in or on Front, Middle, and Back Rivers, nor closer than 50 yards to the shoreline of these rivers.

(3) Hunters will not be permitted to enter the hunting area sooner than 1½ hours before sunrise.

(4) Guns must be unloaded while being carried to and from the hunting area, and shot size larger than No. 4 will not be permitted on the refuge.

(5) Only temporary blinds constructed of native materials are permitted. Hunters must build their own blinds, furnish their own boats and decoys.

(6) Dogs used to retrieve waterfowl must be under complete control at all times.

(7) Before entering the hunting area hunters are required to obtain a permit at the refuge check station located on U.S. Highway 17 at the Middle River bridge. All hunters must check out at the check station as soon as possible after completing their hunt and must present all bagged game for inspection.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 20, 1971.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 3, 1971.

[FR Doc.71-16450 Filed 11-10-71;8:47 am]

PART 33—SPORT FISHING

De Soto National Wildlife Refuge, Iowa and Nebr.

The following special regulation is effective on date of publication in the FEDERAL REGISTER (11-11-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IOWA AND NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Sport fishing on the De Soto National Wildlife Refuge, Iowa and Nebr., is permitted on the lake area within the refuge. This open area, comprising 850 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing is subject to the following conditions:

(1) All fishermen shall conform with the regulations of the State in which they are properly licensed, either Iowa or Nebraska, subject to more restrictive regulations that may be included herein.

(2) Open season: Daylight hours January 1, 1972, through February 28, 1972, and 6 a.m. to 9 p.m., April 15, 1972, through September 15, 1972.

(3) Trot lines and float lines are not permitted.

(4) Archery fishing is not permitted.

(5) Digging or seining for bait is not permitted.

(6) No more than two lines with two hooks on each line may be used for fishing.

(7) Motor or wind driven conveyances are not permitted on the lake during the period January 1 to February 28.

(8) The use of boats, with or without motors, is permitted during the period April 15 to September 15.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 15, 1972.

JAMES W. SALYER,
Refuge Manager, De Soto National Wildlife Refuge, Missouri Valley, Iowa.

NOVEMBER 3, 1970.

[FR Doc.71-16451 Filed 11-10-71;8:47 am]

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (11–11–71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wis., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 15 acres, are delineated on maps available at refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, 1972, through February 29, 1972, inclusive.

(2) Permit is required to take carp for sale.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through February 29, 1972.

ROBERT G. PERSONIUS,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wis.

NOVEMBER 3, 1971.

[FR Doc.71–16459 Filed 11–10–71;8:47 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Preparedness

[OEP Economic Stabilization Reg. 1, Circular No. 25]

SUPPLEMENTARY GUIDANCE FOR APPLICATION

Economic Stabilization Circular No. 25

This circular is designed for general information only. The statements herein are intended solely as general guides drawn from OEP Economic Stabilization Regulation No. 1 and from specific determinations and policy statements by the Cost of Living Council and do not constitute legal rulings applicable to cases which do not conform to the situations clearly intended to be covered by such guides.

NOTE: Provisions of this and subsequent circulars are subject to clarification, revision, or revocation.

This 25th circular covers determinations and policy statements by the Council through November 10, 1971.

APPENDIX I

ECONOMIC STABILIZATION CIRCULAR NO. 25

100. *Purpose.* (1) On August 15, 1971, President Nixon issued Executive Order No. 11615, as amended, providing for stabilization of prices, rents, wages, and salaries, and establishing the Cost of Living Council, a Federal agency. The order delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970, as amended. The effective date of the order was 12:01 a.m., August 16, 1971.

(2) By its Order No. 1, the Council delegated to the Director of the Office of Emergency Preparedness authority to administer the program for the stabilization of prices, rents, wages, and salaries as directed by section 1 of Executive Order No. 11615, as amended.

(3) Executive Order No. 11627 was issued on October 15, 1971, to further implement the President's stabilization program. The order superseded Executive Order No. 11615 of August 15, 1971, but provided in section 13 that all orders, regulations, circulars, or other directives issued and all other actions taken pursuant to Executive Order No. 11615, as amended, are hereby confirmed and ratified, and shall remain in full force and effect, as if issued under this order, unless and until altered, amended, or revoked by the Council or by such competent authority as the Council may specify.

(4) The purpose of this circular, the 25th in a series to be issued, is to furnish further guidance to Federal officials and the public in order to promote the program.

200. *Authority.* (1) Relevant legal authority for the program includes the following:

The Constitution.
Economic Stabilization Act of 1970, Public Law 91–379, 84 Stat. 799; Public Law 92–15, 85 Stat. 38.
Executive Order No. 11615, as amended, 36 F.R. 15127, August 17, 1971.
Cost of Living Council Order No. 1, 36 F.R. 16215, August 20, 1971.
OEP Economic Stabilization Regulation No. 1, as amended, 36 F.R. 16515, August 21, 1971.
Executive Order No. 11627, as amended, 36 F.R. 20139, October 16, 1971.

(2) Because of the need for prompt determinations, notice of proposed rule making and public procedure thereon have been found to be impracticable and contrary to the public interest.

(3) The rules and guidelines established by regulation, order, directive or circular provisions for stabilization of wages, prices, and rents will not expire automatically on November 13. Changes will occur only through explicit action by the Pay Board, the Price Commission, the Cost of Living Council, or other competent authority.

Executive Order No. 11627 of October 15, 1971, superseded Executive Order No. 11615 of August 14, 1971. The new Executive order contains no expiration date, and section 1(a) states, in part:

Pending action under this order, and except as otherwise provided in section 202 of the Economic Stabilization Act of 1970, as amended, prices, rents, wages, and salaries are stabilized effective as of August 16, 1971, at levels not greater than the highest of those pertaining to a substantial volume of actual transactions by each individual, business, firm, or other entity of any kind during the 30-day period ending August 14, 1971, for like or similar commodities or services. If no transactions occurred in that period, the ceiling will be the highest price, rent, salary, or wage in the nearest preceding 30-day period in which transactions did occur. No person shall charge, assess, or receive, directly or indirectly, in any transaction, prices or rents in any form higher than those permitted hereunder, and no person shall, directly or indirectly, pay or agree to pay, in any transaction, wages or salaries in any form, or to use any means to obtain payment of wages and salaries in any form, higher than those permitted hereunder, whether by retroactive increase or otherwise.

300. *General guidelines.* (1) The guidance provided in this circular is in the nature of additions to or clarifications of previous determinations and policy statements by the Cost of Living Council covered in previous OEP Economic Stabilization Circulars.

(2) The numbering system used in this circular corresponds to that used in OEP Economic Stabilization Circulars Nos. 101 and 102.

500. *Wage and salary guidelines.*

502. *Specific.* (1) During the freeze, increases in the amount of paid vacation given to employees after they have completed a specific length of employment (e.g., an increase in vacation from 2 to 3 weeks upon completion of 10 years' service) may be credited to employee vacation accounts and may be used.

NOTE: This subparagraph supersedes subparagraph 502(2) of OEP Economic Stabilization Circular No. 102.

504. *Fringe benefits.* (1) Employers, as part of the compensation for a particular job, may issue stock options to employees for the same number of shares as in the base period (adjusted, if necessary, for stock splits and stock dividends) and under the same terms and conditions.

NOTE: This subparagraph supersedes subparagraph 504(3) of OEP Economic Stabilization Circular No. 101.

1001. *Effective date.* (1) This circular shall continue in full force and effect unless and until altered, amended, or revoked by the Cost of Living Council or by such competent authority as the Council may specify.

Dated: November 10, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71–16609 Filed 11–10–71;2:48 pm]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Additional Provisions for Minimum Grade and Condition Standards for Natural Condition Raisins

Notice is hereby given of a proposal to amend the minimum grade and condition standards for natural condition Thompson Seedless raisins by the addition of provisions to permit handlers, subject to prior agreement between handler and tenderer, to acquire or receive lots of such raisins containing less than 45 percent but not less than 35 percent, by weight, of B maturity, or better, raisins. Such additional provisions would continue in effect through the remainder of the current 1971–72 crop year ending August 31, 1972. The minimum grade and condition standards are established under, and this change would be made pursuant to, the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act". The proposal was recommended by the Raisin Administrative Committee, established pursuant to the order.

The minimum grade and condition standards for natural condition raisins are set forth in § 989.97 (Exhibit B) of the order, as changed by § 989.201 of the Subpart—Supplementary Orders Regulating Handling.

Section 989.201 requires, among other things, that standard natural condition Thompson Seedless raisins contain not less than 45 percent, by weight, of B maturity, or better, raisins (raisins showing development characteristic of raisins prepared from well-matured or reasonably well-matured grapes).

Pursuant to § 989.58(b) of the order, the proposal would amend the provisions of § 989.201 with respect to maturity for producer deliveries of natural condition Thompson Seedless raisins in order to permit greater flexibility in their application under the order. Under the proposal, any lot of natural condition Thompson Seedless raisins containing less than 45 percent, by weight, but not less than 35 percent, by weight, of raisins having B maturity, or better, could be considered as an acceptable lot for handler acquisition as standard raisins with a determinable weight meeting the maturity requirements for standard raisins. Subject to prior agreement between handler and tenderer, any lot of natural condition Thompson Seedless raisins falling within such limits would have the weight credited as standard raisins determined by multiplying the weight of raisins in the lot by the appropriate dockage factor. The dockage factor would reduce the creditable weight of the lot by an amount approximately equal to the weight of the immature raisins to be removed from the lot to bring the remaining portion of the lot up to the specified maturity requirement. Since this removal could occur during normal processing, producers would not incur the costs for reconditioning.

Data collected by the inspection service with respect to the maturity level of the 1971 production of natural condition Thompson Seedless raisins indicate that 15.15 percent of handler receipts of such raisins have failed to meet the minimum maturity requirement and are being held by handlers as off-grade raisins. Such receipts covered the period September 1 through October 23, 1971. In the 1968–69, 1969–70, and 1970–71 crop years, the percent of handler receipts of natural condition Thompson Seedless raisins failing to meet minimum maturity requirements were about 5.95 percent, 4.67 percent, and 4.03 percent, respectively.

Handlers customarily process natural condition Thompson Seedless raisins into packed raisins to meet widely varying market requirements and customer specifications. To meet these demands, the handler normally has available many lots of standard raisins containing different levels of maturity. Thus, by blending various lots of standard raisins, the handler is able to pack raisins to meet the needs of his market.

As stated herein, excessive immature raisins in a lot can be removed during normal processing. However, since any such lot would be off-grade raisins under current order requirements, it could not be processed simultaneously with a lot of standard raisins. The proposal would amend the maturity standards for producer deliveries of natural condition Thompson Seedless raisins to permit handlers to acquire or receive as standard raisins rather than as off-grade raisins, lots of such raisins in accordance with the maturity level as proposed to be modified herein. This would afford handlers greater flexibility in processing raisins.

Consideration will be given to any written data, views, or arguments pertaining to this proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 5 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

Amend § 989.201 of Subpart—Supplementary Orders Regulating Handling to read:

§ 989.201 Changes in minimum grade and condition standards for natural condition raisins.

* * * * *

A. Thompson Seedless raisins.

* * * * *

2. a. * * *

b. Shall contain not less than 45 percent, by weight, of B maturity, or better, raisins (raisins showing development characteristic of raisins prepared from well-matured or reasonably well-matured grapes) and not more than 12 percent, by weight, of substandard raisins (raisins that show development less than that characteristic of raisins prepared from fairly well-matured grapes): *Provided*, That, for the 1971–72 crop year ending August 31, 1972, with respect to natural condition Thompson Seedless raisins and subject to prior agreement between handler and tenderer, any lot containing less than 45 percent, but not less than 35 percent, by weight of raisins having B maturity or better, may be considered as meeting the maturity requirement for handler acquisition as standard raisins but the creditable weight of the lot as standard raisins shall be that obtained by multiplying the total weight of the lot by the appropriate dockage factor selected from the following table:

B Maturity or Better	*Dockage Factor*
44.9–44.5	.989
44.4–44.0	.978
43.9–43.5	.967
43.4–43.0	.956
42.9–42.5	.944
42.4–42.0	.933
41.9–41.5	.922
41.4–41.0	.911
40.9–40.5	.900
40.4–40.0	.889
39.9–39.5	.878
39.4–39.0	.867
38.9–38.5	.856
38.4–38.0	.844
37.9–37.5	.833
37.4–37.0	.822
36.9–36.5	.811
36.4–36.0	.800
35.9–35.5	.789
35.4–35.0	.778

* * * * *

Dated: November 8, 1971.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-16507 Filed 11-10-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 170]

FINANCIAL ASSISTANCE FOR CONSTRUCTION OF HIGHER EDUCATION FACILITIES

Notice of Proposed Rule Making

Notice is hereby given in accordance with 5 U.S.C. 553 to institutions of higher education and other interested parties that the U.S. Commissioner of Education, pursuant to the authority vested in him under section 306 of the Higher Education Facilities Act of 1963 (20 U.S.C. 746), proposes to amend § 170.7 of Title 45 of the Code of Federal Regulations by revising paragraph (c)(2) thereof and adding to it a new paragraph (d), so as to provide an exception to the exclusion from eligible development costs of any cost incurred under a construction contract or a contract for the purchase and installation of built-in equipment which was entered into before the date of concurrence by the Commissioner. The exception would be applicable in connection with the consideration of applications for annual interest grants submitted under Subpart E of Part 170 of Title 45 of the Code of Federal Regulations and would be authorized only under unusual circumstances where an applicant had entered into a contract for or had otherwise incurred a cost in connection with the construction of an academic facility prior to the Commissioner's concurrence in the award of such contract or the incurrence of such costs, and where the applicant can demonstrate under criteria set forth in the amended regulation that it is financially hard pressed and that the facility with respect to which an annual interest grant is requested provides significant additional enrollment capacity for disvantaged students.

Interested persons are invited to submit written comments regarding the proposed amendment to the Division of Academic Facilities, Bureau of Higher Education, U.S. Office of Education, Washington, D.C. 20202, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. Comments received will be available for public inspection in the Office of the Director of the Division of Academic Facilities, Room 3682, Regional Office Building No. 3, Seventh and D Streets SW., Washington, DC, between the hours of 8 a.m. and 4:30 p.m.

In its revised form, § 170.7 would read as follows:

§ 170.7 Determination of costs eligible for Federal participation.

* * * * *

(c) For a project for which an application is filed for the first time (under any title of the Act) on or after July 1, 1966, the following shall be excluded from the eligible development cost:

* * * * *

(2) Except as provided for in paragraph (d) of this section, any cost incurred under a construction contract or a contract for the purchase and installation of built-in equipment which was entered into before the date or concurrence by the Commissioner in the award of such contract. While such concurrence normally will be given only after a grant or loan for a project has been approved, circumstances occasionally may warrant the beginning of construction in advance of grant or loan approval in order to meet scheduled needs for expansion of enrollment capacity. In any such case, where an application for a project has been filed and the applicant can justify the necessity of beginning construction in advance of the award of the grant or approval of the loan, the Commissioner may, after an appropriate review of the bidding documents, authorize bidding and concur in the award of the contract. However, such concurrence shall in no way provide any advantage for the project in priority determinations by a State commission under Title I and shall in no way commit the Commissioner subsequently to approve a grant or loan under any title for any such application.

(d) With respect to applications for annual interest grants submitted under Subpart E, where the construction contract or contract for the purchase or installation of built-in equipment was entered into on or before July 1, 1966, an exception to the general rule set forth in paragraph (c)(2) of this section may be made by the Commissioner in unusual cases where he finds that the applicant is financially hard pressed and has secured only short-term (not in excess of 5 years) financing of the academic facilities with respect to which the annual interest grant is requested, which short-term financing must be replaced in order to reduce the financial hardships, and where such academic facilities provide significant additional enrollment capacity for disadvantaged students. In making the foregoing findings the Commissioner will take into account:

(1) The number of disadvantaged students enrolled by the college and the percentage of the total enrollment represented by that number.

(2) The number of low-income families residing in the area served by the college and the average family income in that area,

(3) The immediacy of the college's need to obtain new financing, the availability of financing from other sources, and the effect of the burden of the present and proposed new financing on the college's ability to continue serving disadvantaged students,

(4) The number of disadvantaged students who benefit from the facilities for which the college is seeking financing, and

(5) The extent of programs offered by the college to assist disadvantaged students in taking maximum advantage of their education opportunity.

In no event will an exception be made by the Commissioner pursuant to this paragraph unless the applicant produces evidence that the provisions of §§ 170.2, 170.3, and 170.4 have been met and has satisfied the Commissioner that the reasons for the applicant not having secured the Commissioner's advance concurrence as provided for in § 170.7(c)(2) were not due to any unwillingness on the part of the applicant to meet such conditions.

Dated: September 16, 1971.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

Approved: November 4, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education and Welfare.

[FR Doc.71-16467 Filed 11-10-71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SO-133]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Hopkinsville, Ky., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Hopkinsville transition area described in § 71.181 (36 F.R. 2140 and 12843) would be amended as follows:

"* * * long. 87°24'52" W.) * * * *" would be deleted and "* * * long. 87°24'52" W.); within a 6.5-mile radius of Hopkinsville-Christian County Airport (lat. 36°51'25" N., long. 87°27'25" W.); within 3 miles each side of the 081° bearing from Christian RBN (lat. 36°52'07" N., long. 87°22'18" W.), extending from the 6.5-mile-radius area to 8.5 miles east of the RBN * * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Hopkinsville-Christian County Airport. A prescribed instrument approach procedure to this airport, utilizing the Christian (private) Nondirectional Radio Beacon, is proposed in conjunction with the alteration of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on November 1, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-16435 Filed 11-10-71;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 71-NW-17]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Pasco, Wash., Transition Area.

Interested parties may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Wash. 98108. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash., 98108.

The proposed change in transition area would provide additional controlled airspace for radar vectoring of en route traffic to/from Pasco, Wash.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (36 F.R. 15113) the description of the Pasco, Wash. transiiton area is amended as follows:

Add: "* * * that airspace extending upward from 1,200 feet above the surface, southwest of Pasco, Wash., bounded on the north by the south edge of V-298, on the east by the west edge of V-112W and on the southwest by the northeast edge of V-4."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued at Seattle, Wash., on November 2, 1971.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.71-16436 Filed 11-10-71;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 225]

[Docket No. 23967; EDR-217]

AIRLINE TRADE AGREEMENTS

Proposed Extension of Time for Comments

NOVEMBER 5, 1971.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 225 of its economic regulations which would extend the part for an additional 2 years. The amendment is discussed in the attached explanatory statement.

The amendment is proposed under authority of sections 204(a), 403, 404, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 (as amended by 74 Stat. 445), 760 and 771; 49 U.S.C. 1324, 1373, 1374, and 1386.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before November 29, 1971, will be considered by the Board before taking final action upon the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

Section 403(a) of the Act requires that rates, fares and charges shown in any tariff be stated in terms of lawful money. This provision, together with the requirement of adherence to tariffs in section 403(b), prohibits air carriers from bartering air transportation for goods or services. However, acting under its exemption powers, the Board has, in Part 225 of the economic regulations, authorized local service and certain other categories of carriers to exchange transportation for advertising goods or services up to maximum specified amounts for each category. This authority is now scheduled to expire on December 18, 1971.

In December of 1969, when the Board extended the effectiveness of the trade agreement provisions of Part 225 to the present expiration date, the Board determined to postpone a review of Part 225 in light of the deteriorating financial condition of the local carriers and attendant subsidy requirements.[1] We then stated that an extension for 2 years would allow the carriers to plan effective long-range advertising programs without unduly postponing the time for Board consideration of the need for trade agreements in the light of changing conditions in the industry.

It now appears that the considerations which underlay our action in ER-603 continue to prevail, and we are thus of the tentative view that a further extension of Part 225 for 2 years without modification is warranted at this time.

It is proposed to amend Part 225 of the economic regulations (14 CFR Part 225), as follows:

1. Amend paragraph (a) of § 225.2 to read as follows:

§ 225.2 Filing of notice of trade agreements and cancellation of such agreement.

(a) *Notice of trade agreement.* Any airline may at any time prior to December 18, 1973, file with the Board a notice of its intention to furnish air transportation in exchange for services or goods for advertising purposes. Every such notice shall be accompanied by an executed counterpart of a written agreement, containing all the terms of the agreement between the parties thereto, duly entered into by such air carrier with the supplier, and by an affidavit by the chief financial officer or other responsible officer of the airline having knowledge of the transaction in the form required by § 225.4. Every such notice shall be filed at least 14 days prior to the effective date specified in the trade agreement. Within the meaning of this part, air transportation shall be deemed to be furnished when the passenger is actually enplaned.

* * * * *

2. Amend paragraph (a) of § 225.5 to read as follows:

§ 225.5 Provisions of agreement.

Each trade agreement entered into by an airline hereunder shall provide:

(a) That it shall become effective on a specified day, on or before January 1, 1974;

* * * * *

[FR Doc.71-16502 Filed 11-10-71;8:53 am]

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[1] ER-603, Dec. 30, 1969, p. 3.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19316]

FM BROADCAST STATIONS

Table of Assignments; Wisconsin Dells, Wis., etc.; Extension of Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202, *Table of Assignments, FM Broadcast Stations.* (Wisconsin Dells, Wis.; Ocean City, Md.; Fulton, Ky.; Cabo Rojo, P.R.; Lobelville, Tenn.; Jacksonville, Fla.; and Steamboat Springs, Colo.), Docket No. 19316, RM–1716, RM–1719, RM–1726, RM–1732, RM–1738, RM–1745, RM–1749.

1. This proceeding was begun by notice of proposed rule making (FCC 71–955) adopted September 8, 1971, released September 13, 1971, and published in the FEDERAL REGISTER September 18, 1971, 36 F.R. 18661. The dates presently designated for filing comments and reply comments are November 1, 1971 and November 12, 1971, respectively.

2. On October 28, 1971, Mel-Lin, Inc., filed a request to extend the time for filing comments to and including November 9, 1971. It states that it has been advised by its consulting engineer that the engineering statement now under preparation cannot be completed to permit filing prior to the deadline date.

3. It appears that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the request of Mel-Lin, Inc., is granted to and including November 9, 1971, for the filing of comments and November 19, 1971 for the filing of reply comments in Docket No. 19316, RM–1745 only.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted November 2, 1971.

Released November 3, 1971.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.71–16514 Filed 11–10–71;8:52 am]

[47 CFR Part 73]

[Docket No. 19347; FCC 71–1137]

TIME OF OPERATION OF FM STATIONS

Notice of Proposed Rule Making

In the matter of § 73.261 of the Commission's rules and regulations, time of operation of FM stations; Docket No. 19347.

1. The Commission here gives notice of proposed rule making concerning § 73.261 of the Commission's rules and regulations, which deals with the time of operation of FM broadcast stations. We are particularly concerned with the minimum number of hours of operation, which paragraph (a) presently provides as "36 hours per week during the hours 6 a.m. to midnight, consisting of not less than 5 hours in any one day, except Sunday."

2. This portion of § 73.261 was first adopted effective January 3, 1956, by amendment to then § 3.261. An earlier provision required at least 6 hours daily—3 hours between 6 a.m. and 6 p.m. local time and 3 hours between 6 p.m. and midnight local time.[1] Despite the fact that FM has become economically more viable, we find that a number of stations are operating at or near the minimum permitted under the rule. When there are needs for more aural service in many places, this appears hardly consistent with the public interest.[2]

3. In the circumstances, we believe that a minimum hours requirement for FM more consistent with the public interest, convenience, and necessity should be adopted. To the extent that FM and unlimited AM are alike, it would appear that the same standard should apply in both instances, and we propose to amend § 73.261(a) along the lines of § 73.71(a), as set forth below.

4. In particular, it is our intention to have an FM station provide a proportionate part of its service in the 6 p.m. to midnight (local time) part of the broadcast day. In this connection, we consider both the general limited coverage of full-time AM stations at night and the fact that many FM stations in smaller markets are affiliated with daytime-only AM stations.

5. Authority for such action is set forth in sections 4 (i) and (j) and 303 (g) and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before December 17, 1971, and reply comments on or before December 28, 1971. All revelant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision as to this rule of general applicability which is proposed herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission. Copies of these documents will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: November 3, 1971.

Released: November 5, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]
BEN F. WAPLE,
Secretary.

Section 73.261(a) is amended to read as follows:

§ 73.261 Time of operation.

(a) All FM broadcast stations will be licensed for unlimited time operation. All FM stations are required to maintain an operating schedule of not less than 8 hours between 6 a.m. and 6 p.m., local time, and not less than 4 hours between 6 p.m. and midnight, local time, each day of the week except Sunday.

* * * * *

[FR Doc.71–16515 Filed 11–10–71;8:53 am]

[47 CFR Parts 81, 83]

[Docket No. 19343; FCC 71–1133]

VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT

Notice of Proposed Rule Making

In the matter of amendment of Parts 81 and 83 of the Commission's rules to implement the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act (Public Law 92–63), Docket No. 19343.

1. The "Vessel Bridge-to-Bridge Radiotelephone Act" (Public Law 92–63) was approved August 4, 1971. The purpose of this Act is "to provide a positive means whereby the operators of approaching vessels can communicate their intentions to one another through voice radio, located convenient to the operator's navigation station. To effectively accomplish this, there is a need for a specific frequency or frequencies dedicated to the exchange of navigational information, on navigable waters of the United States."

2. The responsibility for implementing the provisions of this Act rests with the U.S. Coast Guard and the Federal Communications Commission. This Commission's area of responsibility is delineated in section 8 of the Act. Under this section the Commission is charged with the responsibility of prescribing "regulations necessary to specify operating and technical conditions and characteristics including frequencies, emission, and power" of the required radiotelephone equipment. The standards finally adopted by this Commission will be applicable to all U.S. vessels (Government and non-Government) subject to the Act as well as foreign vessels operating in waters of the United States subject to the Act.

3. Set forth below is our proposal for carrying out the statutory responsibility

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[1] From June 1940, when the FM minimum time requirement was first added, until 1943, one of the three hours in each segment had to be nonduplicated programming.

[2] We have stated before that FM and AM are parts of a single broadcast service. See, e.g., Notice of Proposed Rule Making, etc. in Docket No. 18651, adopted September 4, 1969 (FCC 69–960; 34 F.R. 14386); see also Notice of Proposed Rule Making in Docket No. 15084, adopted May 15, 1963, paragraphs 15–17, 25 R.R. 1615, 1622, 1623 (1969); and Cherokee Broadcasting Co., 17 FCC 2d 121 (1969), reversed on other grounds, 18 FCC 2d 488 (1969).

[3] Commissioner Johnson absent.

placed on this Commission by the Vessel Bridge-to-Bridge Radiotelephone Act. Specific and detailed technical specifications for the transmitter and receiver are included. Under the proposal the station must be operated by a person holding at least a restricted radiotelephone operator permit. Portable equipment may be used; however, if portable equipment is used to fulfill the Bridge-to-Bridge requirements then it must be continuously associated with the vessel except in the case of foreign vessels subject to the Act. To allow otherwise, would make in effective our inspection program.

4. The proposed amendments to the rules, as set forth below, are issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 8(a) of the Vessel Bridge-to-Bridge Radiotelephone Act.

5. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before December 17, 1971, and reply comments on or before December 28, 1971. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: November 3, 1971.

Released: November 8, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

1. In § 81.3, new paragraph (s) is added to read as follows:

§ 81.3 Maritime Mobile Service.

* * * * *

(s) Port Operations Service. A maritime mobile service in or near a port, or in locks or waterways, between coast stations and ship stations or between ship stations, in which messages are restricted to those relating to the operational handling, the movement and the safety of ships and, in emergency, to the safety of persons. Messages which are of a public correspondence nature shall be excluded.

2. In § 81.356, paragraph (b)(10) is is amended to read as follows:

§ 81.356 Assignable frequencies in the band 156–162 Mc/s.

* * * * *

(b) * * *

(10) Primarily, ship to ship. On a secondary basis, available for coast to ship. Use of this frequency is limited exclusively to navigational communications.

* * * * *

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.1, paragraph (a) is amended to read as follows:

§ 83.1 Basis and purpose.

(a) The basis for the rules following in this part is the Communications Act of 1934, as amended, the Vessel Bridge-to-Bridge Radiotelephone Act, and applicable treaties and agreements to which the United States is a party.

* * * * *

2. In § 83.2, paragraph (o), new subparagraphs (5) and (6) are added to read as follows:

§ 83.2 General.

* * * * *

(o) * * *

(5) Power-driven vessel. Any vessel propelled by machinery.

(6) Towing vessel. Any commercial vessel engaged in towing another vessel astern, alongside or by pushing ahead.

* * * * *

3. In § 83.3, paragraphs (c), (d), (e), (f), (g), (h), (i), and (j) are redesignated (d), (e), (f), (g), (h), (i), (j), and (k), respectively, and new paragraphs (c), (l), and (m) are added to read as follows:

§ 83.3 Maritime Mobile Service.

* * * * *

(c) *Port Operations Service.* A maritime mobile service in or near a port, or in locks or waterways, between coast stations and ship stations or between ship stations, in which messages are restricted to those relating to the operational handling, the movement and the safety of ships and, in emergency, to the safety of persons. Messages which are of a public correspondence nature shall be excluded.

(d) *Mobile station.* A station in the mobile service intended to be used while in motion or during halts at unspecified points.

(e) *Ship station.* A mobile station in the maritime mobile service located on board a vessel, other than a survival craft, which is not permanently moored.

(f) *Public ship station.* (1) A ship station open to public correspondence.

(2) Public ship stations authorized for public correspondence are further classified according to their hours of service as designated in this section:

(i) *First category.* These stations carry on a continuous service for public correspondence.

(ii) *Second category.* These stations maintain a service of 16 hours per day for public correspondence as designated in Appendix 12, Radio Regulations, Geneva, 1968 or, in cases of voyages of short duration, as otherwise designated by the Commission in accordance with those regulations.

(iii) *Third category.* These stations maintain a service of eight hours per day for public correspondence as designated in Appendix 12, Radio Regulations, Geneva, 1968 or, in cases of voyages of short duration, as otherwise designated by the Commission in accordance with those regulations.

(iv) *Fourth category.* These stations maintain a service of public correspondence, the duration of which is prescribed but is less than that of stations of the third category, or is not prescribed but is determined by the master of the vessel pursuant to his authority under section 360 of the Communications Act.

(g) *Limited ship station.* A ship station not open to public correspondence.

(h) *Marine-utility ship station.* A ship station, readily portable for use as a limited ship station on mobile vessels within a designated local area.

(i) *Marine-utility coast station.* A coast station, readily portable for use as a limited coast station at unspecified points ashore within a designated local area.

(j) *Marine-utility station.* A coast or ship station in the maritime mobile service having a frequency assignment which is available for both marine-utility coast stations and marine-utility ship stations, and licensed under one station authorization to operate as either a marine-utility coast station or a marine-utility ship station according to its location, pursuant to the provisions of paragraphs (h) and (i) of this section, at the time it is being operated.

(k) *Survival craft station.* A mobile station in the maritime or aeronautical mobile service intended solely for survival purposes and located on any lifeboat, liferaft or other survival equipment.

(l) *Coast station.* A land station in the maritime mobile service.

(m) *Bridge-to-bridge station.* A ship station operating in the Port Operations Service in which messages are restricted to navigational communications and which is capable of operation from the ship's navigational bridge or, in the case of a dredge, from its main control station operating on frequency or frequencies in the 156–162 MHz band.

§ 83.6 [Amended]

4. In § 83.6, paragraph (h) is deleted and designated [Reserved].

5. In § 83.46, a new paragraph (e) is added to read as follows:

§ 83.46 Application for inspection and certification.

* * * * *

(e) The FCC Forms specified in paragraphs (b), (c), and (d) of this section shall be used to apply for inspections of bridge-to-bridge radio stations on board vessels which are also subject to the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act.

6. In § 83.49, a new paragraph (d) is added to read as follows:

[1] Commissioner Johnson absent.

§ 83.49 Application for exemption.

* * * * *

(d) This Commission does not have statutory authority to issue exemptions from the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act. Applications for exemption from the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act should be forwarded directly to the Commandant, U.S. Coast Guard, Washington, D.C. 20591, for action.

7. In § 83.115, paragraph (c) is amended and a new paragraph (e) is added, to read as follows:

§ 83.115 Retention of radio station logs.

* * * * *

(c) Ship station logs shall be fully completed at the end of each voyage and before the operator(s) (or other person(s) responsible under the applicable provisions of this part) leave the ship. Unless otherwise authorized by the applicable provisions of this part, the radio log currently in use shall be kept by the licensed operator(s) of the station and during use shall be located at the principal radio operating room of the vessel. At the conclusion of each ocean voyage terminating at a port of the United States (includes Puerto Rico, and Virgin Islands), the original radio log (or a duplicate thereof) dating from the last departure of the vessel from a U.S. port shall be retained under proper custody on board the vessel for a sufficient period of time (not more than 24 hours) to be available for inspection by duly authorized representatives of the Commission. After retention on board the vessel as herein stipulated, the original log (and the duplicate log if provided) may be filed at an established shore office of the station licensee, and shall be retained as stipulated by paragraph (a) of this section.

* * * * *

(e) The log of the bridge-to-bridge station shall be retained at the principal operating position of the bridge-to-bridge station on board the vessel for a period of not less than 1 month from the date of entry. After the 30-day period the log may be removed from the bridge-to-bridge station and be filed at a place where it will be readily available to an authorized representative of the Commission upon request, and shall be retained as stipulated by paragraph (a) of this section.

8. A new § 83.158 is added to read as follows:

§ 83.158 Qualified operator required for ships subject to Radiotelephone Act.

Each ship of the United States which in accordance with the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act is equipped with a radiotelephone installation, shall have a qualified operator at all times in attendance at the principal operating position of the required bridge-to-bridge station while the watch is required. Such operator shall, as a minimum, hold a restricted radiotelephone operator permit or higher class of operator authorization.

9. A new § 83.207 is added to read as follows:

§ 83.207 Watch required by the Vessel Bridge-to-Bridge Radiotelephone Act.

All vessels, dredges, and floating plants subject to the Vessel Bridge-to-Bridge Radiotelephone Act shall, while being navigated upon the navigable waters of the United States, inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended, keep a continuous and efficient watch on the designated navigational frequency. Such watch shall be maintained by the master or person in charge of the vessel or the person designated by the master or person in charge to pilot or direct the movement of the vessel. The person standing watch may perform other duties provided such other duties do not interfere with the effectiveness of the watch.

10. A new § 83.251 is added to read as follows:

§ 83.251 Bridge-to-bridge communication procedure.

(a) Vessels, dredges, and floating plants subject to the Vessel Bridge-to-Bridge Radiotelephone Act transmitting on the designated navigational frequency shall initiate all communications on this frequency with one of the following two messages:

(1) Security, Security, Security. This is the (name of vessel). My position is (give readily identifiable position and, if useful, course and speed) about to (describe contemplated action).

(2) Calling the vessel _____ miles (yards) on a true bearing of _____. This is the (name of vessel) located at (position of vessel) planning to _____.

(b) Vessels acknowledging receipt shall answer "(Name of vessel calling). This is (Name of vessel answering). Received your call" and follow with an indication of their intentions. Communications shall terminate when each ship is satisfied that the other no longer poses a threat to its safety.

(c) Use of power greater than 1 watt in a bridge-to-bridge station shall be limited to the following three situations:

(1) Emergency.

(2) Failure of the vessel being called to respond to a second call at low power.

(3) A broadcast call as in paragraph (a) (1) of this section in a blind situation, e.g., rounding a bend in a river.

10. In § 83.351, paragraph (b) (59) is amended to read as follows:

§ 83.351 Frequencies available.

* * * * *

(b) * * *

(59) Primarily, ship to ship. On a secondary basis, available for ship to coast. Use of this frequency is limited exclusively to navigational communications.

* * * * *

11. In § 83.368, paragraphs (e) and (f) are redesignated (f) and (g) and a new paragraph (e) is added to read as follows:

§ 83.368 Radiotelephone station log.

* * * * *

(e) The log of the bridge-to-bridge station required by the Vessel Bridge-to-Bridge Radiotelephone Act shall include the following entries:

(1) All radiotelephone distress and alarm signals and communications transmitted, the text in as complete form as possible of distress messages and distress communications, and any information connected with the radio service which may appear to be of importance to maritime safety, together with the time of such observation or occurrence, the frequencies used, and the position of the ship or other mobile unit in need of assistance if this can be determined.

(2) The times when the required watch is begun, interrupted, and ended. When the required watch is interrupted for any reason the reason for such interruption shall be stated.

(3) A daily statement concerning the operating condition of the required radiotelephone equipment, as determined by either normal communication or test communication. Where the equipment is found not to comply with the applicable provisions of this part, the log shall contain a statement as to the time the condition was discovered and the time it was brought to the master's attention.

(4) Pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed, and dated by the responsible licensed operator who supervised or performed the work, and unless such operator is employed on a full-time basis and his operator license is properly posted at a station on board the ship, such entry shall include his mail address and the class, serial number, and expiration date of his operator license.

(f) The log of ship radiotelephone stations not required by law to be provided shall include the following entries:

(1) The entries specified by subparagraph (1) of paragraph (d) of this section;

(2) The entries specified by subparagraphs (2) and (10) of paragraph (b) of this section.

(g) The log of marine utility stations on board ships shall include the entry specified by subparagraph (10 of paragraph (b) of this section.

12. A new Subpart X is added to read as follows:

Subpart X—Radiotelephone Stations Provided for Compliance With the Vessel Bridge-to-Bridge Radiotelephone Act

§ 83.701 Applicability.

The vessel Bride-to-Bridge Radio telephone Act and the regulations of this part made pursuant thereto, apply to:

(a) Every power-driven vessel of 300 gross tons and upward while navigating;

(b) Every vessel of 100 gross tons and upward carrying one or more passengers for hire while navigating;

(c) Every towing vessel of 26 feet or over in length, measured from end to end over the deck excluding sheer, while navigating; and

(d) Every dredge and floating plant engaged, in or near a channel or fairway, in operations likely to restrict or affect navigation of other vessels.

§ 83.703 Bridge-to-bridge station.

Vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act shall be provided with a bridge-to-bridge station comprising a bridge-to-bridge radiotelephone installation and such accessories as may be needed to enable the vessel to participate fully, efficiently, and readily in navigational communications. This required radiotelephone installation shall be associated continuously with the ship even though a portable installation is used: *Provided, however,* Foreign vessels coming in U.S. waters where a bridge-to-bridge station is required may fulfill this requirement by use of portable equipment brought on board by the pilot.

§ 83.705 Inspection of bridge-to-bridge station.

The required bridge-to-bridge radiotelephone station will be inspected on vessels subject to regular inspections pursuant to the requirements of title III, parts II and III of the Communications Act, the Safety Convention or the Great Lakes Agreement at the time of the regular inspection. If after such inspection the Commission determines that all relevant provisions of the Bridge-to-Bridge Radiotelephone Act, the rules of the Commission made pursuant thereto and the station license are complied with, an endorsement will be made on the appropriate document. The validity of the endorsement will run concurrently for the period of the regular inspection. Each vessel so inspected shall carry a certificate with a valid endorsement while subject to the Bridge-to-Bridge Act. All other required bridge-to-bridge stations will be inspected from time to time.

§ 83.709 Bridge-to-bridge radiotelephone installation.

(a) The bridge-to-bridge radiotelephone installation required by § 83.703 shall include a transmitter, receiver, antenna, and source of energy.

(b) Use of the bridge-to-bridge transmitter on the navigational frequency shall be restricted to the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel. Communications shall be of a navigational nature exclusively.

(c) Nonportable equipment, when used, shall be arranged to facilitate repair. Adequate protection shall be provided for all equipment against the effects of vibration, moisture, and temperature, as well as such excessive currents and voltages as might cause damage to the components thereof.

§ 83.711 Principal operating position.

The principal operating position of the vessel's bridge-to-bridge station shall be the vessel's navigational bridge or, in the case of dredges, its main control station. If the radiotelephone installation can be operated from any location other than the principal operating position, a direct and positive means shall be provided at the principal operating position to take immediate and full control of the installation at all times

§ 83.713 Bridge-to-bridge transmitter.

(a) The transmitter referred to in § 83.709 shall be capable of effective transmission of F3 emission on the navigational frequency specified in § 83.351 (a) (5).

(b) Each nonportable transmitter shall have a carrier power of at least 8 watts. Each portable transmitter shall have a carrier power of at least 0.75 watt. Each nonportable transmitter, and each portable transmitter having more than 1-watt carrier power, shall have provision for readily reducing the carrier power to a value not less than 0.75 watt and not more than 1 watt. The maximum power of all transmitters shall be not more than 25 watts.

(c) The transmitter shall be adjusted so that the transmission of speech normally produces peak modulation within the limits 75 percent and 100 percent.

(d) A nonportable transmitter shall be considered as capable of complying with the power output requirement specified in paragraph (b) of this section when:

(1) The transmitter is capable of being adjusted for efficient use with an actual ship station transmitting antenna meeting the requirements of § 83.719; and

(2) The transmitter has been demonstrated, or is of a type which has been demonstrated, to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 8 watts of carrier power into 50 ohms effective resistance on the navigational frequency specified in § 83.351(a) (5): *Provided, however,* That an individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required whenever in the judgemen of the Commission this is deemed necessary.

(e) Portable transmitters shall be certified by the manufacturer to comply with the applicable provisions of this part (This certification may be included in the application for type acceptance required under § 83.140.): *Provided, however,* That an individual demonstration of the communication capability of the transmitter may be required whenever, in the judgement of the Commission, this is deemed necessary.

§ 83.715 Bridge-to-bridge receiver.

(a) The receiver used for maintaining the watch required by § 83.207 shall be capable of effective reception of class F3 emission (emission designator 16F3) on the navigational frequency specified in § 83.351(a) (5); in the case of nonportable installations, it shall be connected to the antenna system specified by § 83.719.

(b) The receiver referred to in paragraph (a) of this section shall be capable of efficient operation when energized by the bridge-to-bridge energy source.

(c) The receiver referred to in paragraph (a) of this section shall comply with the following technical requirements:

(1) The frequency stability shall be within 0.001 percent;

(2) The usable sensitivity shall be 0.5 microvolt, maximum, for nonportable receivers, and 1.0 microvolt, maximum, for portable receivers;

(3) The adjacent channel selectivity and desensitization shall be 70 db, minimum, for nonportable receivers, and 40 db, minimum, for portable receivers;

(4) The modulation acceptance bandwidth shall be ±7 kHz, minimum;

(5) Spurious response attenuation shall be 85 db, minimum, for nonportable receivers and 50 db, minimum, for portable receivers;

(6) The intermodulation spurious response attenuation shall be as follows:

Desired input microvolts, signal reference level at receiver input terminals	Minimum requirement: Intermodulation spurious response attenuation	
	Nonportable	Portable
At usable sensitivity of receiver	60 dB	40 dB
20 dB above usable sensitivity of receiver	43 dB	.....
40 dB above usable sensitivity of receiver	20 dB	.....

(7) Audio frequency response shall be as follows:

(i) In nonportable receivers normally used with a loudspeaker it shall not vary more than +2 to −8 db from a standard 6 db per octave deemphasis curve over the frequency range 300 to 3000 Hz;

(ii) In nonportable receivers normally used with a headphone or to feed a line it shall not vary more than +1 to −3 db from a standard 6 db per octave deemphasis curve over the frequency range 300 to 3000 Hz. The reference frequency shall be 1000 Hz.

(iii) In portable receivers it shall not vary more than +2 to −8 db from a standard 6 db per octave deemphasis curve over a frequency range of 300 to 3000 Hz. The reference frequency shall be 1000 Hz.

(iv) In receivers intended to operate with special devices, such as selective signaling apparatus, it shall be adequate to assure proper operation of the specific apparatus, in addition to the response required by subdivision (i), (ii), or (iii) of this subparagraph, as appropriate.

(d) The technical characteristics for receivers as specified in paragraph (c) of this section, and other terms used in specifying these characteristics are defined and measured as follows:

(1) The terms "standard input signal source" and "input microvolts," as used in this section, are defined as follows: A

standard input signal source is a calibrated radio frequency signal generator, together with any associated output transmission line and connectors. (Such a system used for testing nonportable receivers has a total resistance (internal resistance of the generator plus resistance of the transmission line) equal to 50 ohms. For portable receivers, the internal impedance of the signal generator is equal to the input impedance of the receiver at the antenna terminal or is built out to this impedance with an external resistor.) Its output voltage is measured across the output terminals of the system when they are open-circuited. One-half of the open-circuit output voltage so measured is called "input microvolts" to the receiver when the input terminals of the receiver are connected to the system. Unless otherwise specified, the frequency of the generator is adjusted to the center frequency of the channel on which the receiver is intended to operate. A standard input signal source cannot be used on receivers which are not provided with an external antenna connection.

(2) The term SINAD as used in this section is defined as follows: The term SINAD is an abbreviation for "signal plus noise plus distortion to noise plus distortion ratio," expressed in db, normally measured at the audio output terminals of a radio receiver. It is a measure of audio output signal quality for a given receiver audio power output level.

(3) Frequency stability of a radio receiver is a measure of its ability to remain tuned to a specified desired radio channel or frequency, and is the maximum excursion of the resonant frequency of the receiver from the center frequency of the channel on which the receiver is intended to operate. The receiver frequency stability is expressed either as a percentage, or in parts per million, with reference to the center frequency of the channel on which the receiver is intended to operate. The frequency stability is measured with variation in primary supply voltage over the range from 85 percent to 115 percent of the rated value and over the ambient temperature range from −20° to +50° centigrade.

(4) The usable sensitivity of a radio receiver is the minimum value of modulated radio frequency input signal which will produce at least 50 percent of the receiver's rated audio frequency power output with a 12 db SINAD under the following test conditions: A standard input signal source is connected to the input terminals of the receiver, with 1000 input microvolts to the receiver, and 1000 Hz modulation at ±3.33 kHz frequency deviation. Connected to the receiver output terminals are a matched, resistive load, an output indicator and a distortion meter incorporating a 1000 Hz, band elimination filter. These conditions being achieved, the receiver volume control is adjusted for rated power output, after which the attenuation of the input signal is adjusted until the SINAD is 12 db. No further adjustment of the volume control is to be made. Under these conditions, the value of the input microvolts to the receiver is specified as the usable sensitivity of the receiver. However, if at least 50 percent of the rated audio output power is not being produced, the radio frequency input signal must be increased until 50 percent of the rated audio output power is obtained; in this case, the value of input microvolts needed to produce 50 percent of the rated audio output power is specified as the usable sensitivity.

(5) Adjacent channel selectivity and desensitization is a measure of the ability of a radio receiver to receive a desired, modulated signal in the presence of undesired, modulated signals differing in frequency from the desired signal by the width of one radio frequency channel (25 kHz in the maritime services in the band 156–162 MHz). It is the ratio, expressed in db, of the power of the undesired signal to the power of the desired signal at which the SINAD ratio is degraded from 12 db to 6 db in the following test procedure: The receiver output is terminated in a matched, resistive load, provided with an output indicator. Two signal generators are equally coupled to the receiver input terminals through a suitable matching network. Signal generator number 1, modulated ±3.33 kHz at 1000 Hz, is set up in the manner described in subparagraph (2) of this paragraph (for determining the usable sensitivity of the receiver). Signal generator number 2, modulated ±3.3 kHz at 400 Hz, is then turned on and tuned first to the high, then to the low adjacent channel. Its signal level as provided to the receiver input terminals is adjusted until the SINAD is 6 db. The adjacent channel selectivity is the ratio, in db, of the amplitude of signal number 2 to signal number 1. If the ratios for the high side and low side adjacent channels are different, the smaller ratio is specified.

(6) Modulation acceptance bandwidth is a measure of the frequency deviation of a received signal which a radio receiver will accept, without excessive degradation, at a radio frequency input signal level 6 db greater than its measured usable sensitivity. The following test procedure is used: A standard input signal source is connected to the input terminals of the receiver. The signal generator, adjusted to the receiver resonant frequency, is set for 1,000 input microvolts to the receiver, 1000 Hz modulation, with frequency deviation ±3.33 kHz. Connected to the receiver output are a matched, resistive load, an output indicator, and a distortion meter incorporating a 1000 Hz, band elimination filter. These conditions being achieved, the receiver volume control is adjusted for 10 percent rated power output, after which the attenuation of the input signal is adjusted until the SINAD is 12 db. The radio frequency input signal to the receiver is then increased 6 db, and the frequency deviation is increased until the SINAD is again 12 db. The frequency deviation which exists under this final condition is the modulation acceptance bandwidth.

(7) Spurious response attenuation is the ability of a radio receiver to distinguish between a specified, desired signal and an undesired signal at any other frequency to which it is also responsive. The following test procedure is used: An unmodulated standard input signal source is connected to the receiver input terminals. The receiver output terminals are connected to a matched, resistive load and an output indicator. The receiver volume control is adjusted until 25 percent of rated audio frequency power output is achieved (noise). Then, the attenuator of the signal generator is adjusted for the minimum amount of signal to produce 20 dB of noise quieting (audio noise output power reduction). The signal generator frequency is then varied over the continuous frequency range from the lowest radio frequency amplified in the receiver to 1000 MHz and all responses are noted. (Harmonics of the signal generator and frequencies between the adjacent channels are excluded.) The ratio of the signal generator voltage required to produce 20 dB of noise quieting at any spurious response frequency to the signal generator voltage required to produce 20 dB of noise quieting at the receiver resonant frequency, expressed in dB, is the receiver's attenuation of the spurious response. The spurious response requiring the least signal input to produce 20 dB of noise quieting is used in specifying the receiver's spurious response attenuation.

(8) Intermodulation spurious response attenuation is a measure of the ability of a radio receiver to receive a desired signal in the presence of two interfering signals so separated in frequency from the desired signal and from each other that N^{th} order mixing of the interfering signals can occur in nonlinear elements of the receiver, producing a third signal having a frequency equal to that of the desired signal. The following test procedure is used: With the output of the receiver terminated in a matched, resistive load with an output indicator, three signal generators are equally Signal generator No. 1 is modulated at coupled to the receiver input terminals through a suitable matching network. 1000 Hz at ±3.33 kHz frequency deviation; signal generator No. 2 is unmodulated; and signal generator No. 3 is modulated at 400 Hz at ±3.33 kHz frequency deviation. With signal generators No. 2 and No. 3 turned off, the frequency of signal generator No. 1 is set to the center frequency of the radio channel on which the receiver is intended to operate, and the output adjusted for a value of input microvolts to the receiver equal to the measured usable sensitivity of the receiver. Signal generator No. 2 is now set to the adjacent channel above the desired frequency and signal generator No. 3 is set to the alternate channel above the desired frequency. Signal generators No. 2 and No. 3 should be on the same side of the desired frequency. The equivalent outputs of signal generators No. 2 and No. 3 are maintained at equal levels and these levels are increased until the SINAD is 6 dB.

The frequency of signal generator No. 3 is adjusted slightly to produce the maximum interfering signal before the final measurement is made. The ratio of the signal from signal generators No. 2 and No. 3 to the signal from signal generator No. 1, expressed in dB, is the measure of intermodulation spurious response attenuation. The test is repeated twice, first with the output of signal generator No. 1 adjusted for "input microvolts" to the receiver 26 dB above usable sensitivity and again with the output of signal generator No. 1 adjusted for "input microvolts" 46 dB above usable sensitivity, respectively.

(9) Audio frequency response of a radio receiver denotes the degree of closeness to which the audio output follows a 6 dB per octive deemphasis curve with constant frequency deviation over a given continuous frequency range. Test procedure is as follows: A standard input signal source providing input microvolts of 1000, modulated at 1000 Hz with ±3.33 kHz frequency deviation is connected to the receiver input terminals. The receiver output is terminated in a matched, resistive load and an output indicator. The receiver volume control is adjusted for 50 percent of rated power audio frequency power output. The modulation is then reduced to ±1 kHz, and with frequency deviation held constant at this value, the modulating frequency is varied from 300 to 3000Hz and the audio frequency output is noted.

§ 83.717 Bridge-to-Bridge source of energy.

(a) There shall be readily available for use under normal load conditions, at all times when required by the Vessel Bridge-to-Bridge Radiotelephone Act, including times of inspection of the ship's bridge-to-bridge station by a Commission representative, a source of energy sufficient to simultaneously energize the bridge-to-bridge transmitter at its required antenna power, and the bridge-to-bridge receiver. Under this load condition the potential of the source of energy at the power input terminals of the bridge-to-bridge radiotelephone installation shall not deviate from its rated potential by more than 10 percent on vessels completed on or after March 1, 1957, nor by more than 15 percent on vessels completed before that date.

(b) When the source of energy for a nonportable bridge-to-bridge radiotelephone installation consists of or includes batteries, they shall be installed as high above the bilge as practicable, secured against shifting with motion of the vessel, and accessible with not less than 10 inches headroom.

(c) Means shall be provided for adequately charging any rechargeable batteries used in the vessel's bridge-to-bridge radiotelephone installation. There shall be provided a device which, during charging of the batteries, will give a continuous indication of the rate and polarity of the charging current.

§ 83.719 Bridge-to-bridge antenna system.

An antenna shall be provided for nonportable bridge-to-bridge radiotelephone installations, in accordance with the applicable requirements of § 83.107, which is as nondirectional and as efficient as is practicable for the reception of radio groundwaves. The construction and installation of this antenna shall be such as to insure, insofar as is practicable, proper operation in time of an emergency.

§ 83.721 Antenna radio frequency indicator.

Effective January 1, 1974, each bridge-to-bridge transmitter shall be equipped with a device which will provide visual indication whenever the transmitter is supplying power to the antenna.

§ 83.723 Name plate.

A durable name plate shall be mounted on the required radiotelephone transmitting and receiving equipment or shall be made an integral part thereof. When the transmitter and receiver comprise a single unit, one name plate shall be sufficient. The name plate shall show at least the name of the manufacturer and the type or model number.

§ 83.725 Test of radiotelephone installation.

Unless the normal use of the required radiotelephone installation demonstrates that the equipment is in proper operating condition, a test communication for this purpose shall be made by a qualified operator each day the vessel is navigated. When this test is performed by a person other than the master and the equipment is found not to be in proper operating condition, the master shall be promptly notified thereof.

[FR Doc.71-16516 Filed 11-10-71;8:52 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 436]

DISCLOSURE REQUIREMENTS AND PROHIBITIONS CONCERNING FRANCHISING

Notice of Public Hearing and Opportunity To Submit Data, Views or Arguments

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., and section 553 of the Administrative Procedure Act, has initiated a proceeding for the promulgation of a Trade Regulation Rule concerning franchising.

Accordingly, the Commission proposes the following Trade Regulation Rule:

Sec.
436.1 The Rule.
436.2 Definitions.

AUTHORITY: The provisions of this Part 436 issued under 38 Stat. 717, as amended; 15 U.S.C. 41-58.

§ 436.1 The Rule.

In connection with the advertising, offering, contracting, sale, or other promotion of any franchise in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair method of competition and an unfair or deceptive act or practice within the meaning of section 5 of that Act:

(a) To fail to furnish any prospective franchisee with all of the following information, in a clear, permanent, and straight-forward form, at the time when contact is first established between such prospective franchisee and the franchisor or its representative:

(1) The trade name(s) or trademark(s) under which the franchisor and the prospective franchisee will be doing business; the official name(s) and address(es) and principal place(s) of business of the franchisor, the parent firm or holding company of the franchisor, if any, all affiliated companies that will engage in business with the franchisees, and all companies which employ the franchise salesmen (if they are not employed by the franchisor itself).

(2) A factual description of the franchise offered or to be sold.

(3) The business experience stated individually, of each of the franchisor's directors, stockholders owning more than 10 percent of the stock, and the chief executive officers for the past 10 years; and biographical data concerning all such persons.

(4) The business experience of the franchisor, including the length of time the franchisor has conducted a business of the type to be operated by the franchisee; has granted franchises for such business; and has granted franchises in other lines of business.

(5) Where such is the case, a statement that the franchisor or any of its directors, stockholders owning more than 10 percent of the stock, or chief executive officers:

(i) Has been held liable in a civil action, convicted of a felony, or pleaded nolo contendere to a felony charge, in any case involving fraud, embezzlement, fraudulent conversion, or misappropriation of property; or

(ii) Is subject to any currently effective injunctive or restrictive order or ruling relating to business activity as a result of action by any public agency or department; or

(iii) Has filed bankruptcy or been associated with management of any company that has been involved in bankruptcy or reorganization proceedings; or

(iv) Is or has been a party to any cause of action brought by franchisees against the franchisor.

Such statement shall set forth the identity and location of the court, date of conviction or judgment, any penalty imposed or damages assessed, and the date, nature, and issuer of each such order or ruling.

(6) The financial history of the franchisor, including balance sheets and profit and loss statements for the most recent 5-year period; and a statement of any material changes in the financial condition of the franchisor since the date of such financial statements.

(7) A description of the franchise fee; and a statement indicating whether all or part of the franchise fee may be returned to the franchisee and the conditions under which the fee will be refunded.

(8) The formula by which the amount of such franchise fee is determined if the fee is not the same in all cases.

(9) A statement of the number of franchises presently operating and the number proposed to be sold, indicating which existing franchises, if any, are company owned and their addresses.

(10) A statement of the number of franchises, if any, that operated at a loss during the previous year.

(11) A statement that the prospective franchisee may inspect the profit and loss statements of all existing franchisees. (The names and addresses of the franchisees may be deleted from these profit and loss statements, which must be provided to any prospective franchisee requesting to inspect them.)

(12) A statement whether, by the terms of the franchise agreement or by other device or practice, the franchisee is required to purchase or lease from the franchisor or affiliated persons or their designee, services, supplies, products, signs, fixtures, or equipment relating to the establishment or operation of the franchise business.

(13) A statement describing any payments or fees other than franchise fees that the franchisee is required to pay to the franchisor or affiliated persons, including royalties and payments, fees, or markups on land, buildings, leases, signs, equipment, or supplies, and the average total amount of all such fees paid by all franchisees in operation during the preceding year, expressed both as a dollar amount and as a percentage of gross sales of such average franchisee. If no franchisee has been in operation for the past year, this fact must be stated, and an estimate must be disclosed, computed in accordance with accepted accounting principles, of the maximum anticipated percentage figure.

(14) A statement of the amount and basis for any revenue received by the franchisor from suppliers to its franchisees during the past 12 months.

(15) A statement of the conditions under which the franchise agreement may be terminated or renewal refused, or repurchased at the option of the franchisor, and a statement of the number of franchisees that fell into each of these categories during the past 12 months.

(16) A statement of the conditions and terms under which the franchisor allows the franchisee to sell, lease, assign, or otherwise transfer his franchise, or any interest therein.

(17) A statement whether, by the terms of the franchise agreement or other device or practice, the franchisee is limited in the goods or services he may offer for sale.

(18) A statement whether the franchisor requires the franchisee to participate personally in the direct operation of the franchise.

(19) A statement of the terms and conditions of any financing arrangements offered directly or indirectly by the franchisor or affiliated persons, and a description of any payments received by the franchisor from any person for the placement of financing with such person.

(20) A list of at least 10 representative operating franchisees with addresses and telephone numbers, similarly situated to the franchise offered and located in the same geographic area, if possible.

(21) A statement of the territorial protection granted by the franchisor, in which the franchisor will not establish another franchisee who is permitted to use the same trade name or trademark; in which the franchisor will not establish a company-owned outlet using the same trade name or trademark; and in which the franchisor or its parent will not establish other franchises or company-owned outlets selling or leasing similar products or services under a different trade name or trademark.

(22) If the franchisor uses the name of a "public figure," a statement of the promotional assistance the "public figure" is committed to provide to the franchisor for the next year and the promotional assistance that the "public figure" will provide specifically to the new franchisee, and a description of any fees or conditions attendant upon such assistance.

(23) A statement of the number of persons who have signed franchise agreements for whom a site has not yet been agreed upon by both franchisor and franchisee.

(24) A statement of the average length of time between the signing of a franchise agreement and the opening of the franchisee's outlet.

(25) A statement of the average length of service of personnel who are responsible for assisting the franchisee at his location, and the average number of hours such personnel spent during the past year with each franchisee that was in business for less than 1 year.

(26) If the franchisor informs the prospective franchisee that it intends to provide him with training, the franchisor must state the number of hours of instruction and furnish the prospective franchisee with a brief biography of the instructors who will conduct the training.

(27) A statement explaining clearly the terms and effects of any covenant not to compete which a franchisee may be required to enter into.

All of the foregoing information (1) to (27) is to be contained in a single disclosure statement, which shall not contain any promotional claims or other information not required by this section or required by State law. The statement shall carry a distinctive and conspicuous cover sheet with the following notice (and no other) imprinted thereon in boldface type of not less than 10-point size:

INFORMATION FOR PROSPECTIVE FRANCHISEES REQUIRED BY FEDERAL TRADE COMMISSION

This information is provided for your own protection. It is in your best interest to study it carefully before making any commitment. If you do sign a contract, you may cancel it, and obtain a full refund of any money paid, for any reason within 10 business days after either signing such contract or receiving this disclosure statement, whichever occurs later. Details appear on the contract itself.

The information contained herein has not been reviewed or approved by the Federal Trade Commission, but any misrepresentation constitutes a violation of Federal law. If you feel you have been misled, you should contact the Federal Trade Commission in Washington, or the FTC Regional Office nearest you.

(b) To fail to furnish the Commission, no later than December 31 of each year, copies of all disclosure statements or other materials used at any time during the preceding 12 months to provide to prospective franchisees the information specified in paragraph (a) of this section.

(c) (1) To make any oral or written representation of a prospective franchisee's potential income or gross or net profits not based upon the actual average figures for all franchisees not owned or operated by the franchisor or an affiliate thereof in operation during the entire preceding 12-month period, and not disclosing clearly and conspicuously immediately adjacent to any such representation that "Representations are based on the average earnings or profits of all independent franchisees in operation during the past year. These figures should not be considered as accurate representations of potential earnings or profits of any specific franchisee." Or,

(2) Where no independently owned and operated franchisees have been in operation during the entire preceeding 12-month period, to make any representation of potential income or gross or net profits without a clear and conspicuous disclosure immediately adjacent to any such representation that "All representations of potential earnings or profits are merely estimates; no franchisee has been in operation long enough to indicate what, if any, actual earnings or profits may result," or, in any case, to make any such representation not based upon sound accounting practices.

(d) (1) To make any claim in any advertising, promotional material, or disclosure statement, or in any oral sales presentation, solicitation, or discussion between a franchisor's representatives and prospective franchisees, for which the franchisor does not have substantiation in its possession, which substantiation shall be made available to prospective franchisees or the Commission or

its staff upon demand. This provision applies, but is not limited, to statements concerning the experience or qualifications, or lack of experience or qualifications, needed for success as a franchisee.

(2) To make any claim in any advertising or promotional material, or in any oral sales presentation, solicitation, or discussion between a franchisor's representatives and prospective franchisees, which (directly or by implication) contradicts or exceeds any of the statements required to be disclosed by paragraph (a) of this section.

(e) To fail to include immediately above and on the same page as the franchisee's signature line of any contract establishing or confirming a franchise agreement, the following statement in bold face print at least 50 percent larger than any other print in the body of such contract, or in bold face print of a contrasting color:

NOTICE: You are entitled to certain important information concerning this transaction entitled, "Information for prospective franchisees required by Federal Trade Commission." It is in your best interest to demand and study such information. *You may cancel this contract for any reason within 10 business days after either signing this contract or receiving the required information, whichever occurs later.* If you do choose to cancel, you will be entitled to receive a full refund within 10 business days after franchisor receives notice of your cancellation. You may use any reasonable method to notify franchisor of your cancellation within the grace period. For your own protection you may wish to use certified mail with return receipt requested, or a telegram, either of which should be sent to the address below. [Franchisor will insert here the address and telephone number to which such notices should be sent.]

(f) To fail to cancel any contract for which a notice of cancellation was sent by any reasonable means within 10 business days after either the contract's execution, or the franchisee's receipt of all required information, whichever occurs later, or to fail to refund any money paid by franchisee within 10 business days after the date of receipt of such notice of cancellation.

(g) To fail to furnish the prospective franchisee, upon request at any time and, in the absence of any request, before consummation of any agreement, with a copy of the franchise agreement proposed to be used.

(h) To take, accept, or negotiate any promissory note or other instrument of indebtedness which contains:

(1) Any waiver of rights or remedies which the franchisee may have against the franchisor or other holder of the instrument, or other person acting in his behalf; or

(2) Any provision by which the franchisee agrees not to assert against a franchisor a claim or defense arising out of the transaction or agrees not to assert against an assignee such a claim or defense.

This paragraph (h) shall apply to any transaction in which the franchisor or any of its agents or representatives took any part whatsoever, including, but not by way of limitation, the actual negotiation of such instrument, or any referral to or arrangement with any other person with whom a franchisee negotiates such instrument, but does not apply to any transaction entered into between a franchisee and another person wholly free of any involvement by the franchisor or its agents or representatives.

(i) To fail to have inscribed upon the face of any note or other instrument of indebtedness falling within the scope of the preceding paragraph (f) of this section, in 10-point boldface type, the following statement:

NOTICE

Any holder of this instrument takes this instrument subject to all defenses and claims of the maker hereof which would be available to the maker in any action arising out of the transaction which gave rise to the execution of this instrument, notwithstanding any agreement to the contrary.

NOTE I: This section does not deal with the question of whether any practice dealt with herein may be improper as contributing to unlawful restraints of trade connected with the enforcement of the Antitrust Laws or the Federal Trade Commission Act, and a provision for disclosure of a given fact should not be construed as a condonation or approval thereof, nor as an indication that the Commission will not take whatever action may be appropriate to the enforcement of those laws. Nor is it intended to abrogate or supercede any State laws imposing the same or more stringent requirements than those contained herein.

NOTE II: The franchisor will be held liable for violations caused by the franchisor's sales representatives, such as by a representative's failure to furnish prospective franchisees with the required dislosure statement, or by a representative's oral statements and representations in violation of paragraphs (c) and (d) of this section.

§ 436.2 Definitions.

As used in this part, the following shall apply:

(a) "Franchise" means every aspect of the relationship between a franchisor and a franchisee by an oral or written agreement or understanding, or series of agreements or understandings, or transactions which involve or result in a continuing commercial relationship by which a franchisor is granted or permitted to offer, sell, or distribute the goods or commodities manufactured, processed, or distributed by the franchisor, or the right to offer or sell services established, organized, directed, or approved by the franchisor, under circumstances where the franchisor continues to exert any control over the method of operation of the franchisee, particularly, but not exclusively, through trademark, trade name, or service mark licensing, or structural or physical layout of the franchisee's business;

(b) "Person" means any individual, group, association, limited or general partnership, corporation, or any other business entity;

(c) "Franchisor" means any person granting or offering to grant franchises, including subfranchises, and includes a franchisee disposing of a franchise, or any part thereof, for his own account; (in connection with the sale of a franchise or any part thereof by a franchisee for his own account, the selling franchisee's franchisor shall be deemed the franchisor and the selling franchisee shall be deemed the franchisor's representative).

(d) "Franchisee" means any person to whom a franchise is granted;

(e) "Prospective franchisee" means any person who approaches, or is approached by, a franchisor or its agent or representative for the purpose of investigating the prospect of establishing a franchise between such person and such franchisor;

(f) "Time when contact is first established" means the earlier of the time when—

(1) A direct personal meeting first occurs between a franchisor or its agent or representative and a prospective franchisee, or

(2) Any document or promotional literature is distributed to a prospective franchisee;

(g) "Business day" means any day other than Saturday, Sunday, or the following holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas.

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the proposed rule with the Assistant Director for Division of Rules and Guides, Federal Trade Commission, Washington, D.C., 20580, not later than February 7, 1972. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested persons are also given notice of opportunity to orally present data, views, or arguments with respect to the proposed rule at a public hearing to be held commencing at 10 a.m., e.s.t., each day, February 14, 15, and 16, 1972, in room 532 of the Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street NW., Washington, D.C.

Any person desiring to orally present his views at the hearing should so inform the Assistant Director for Rules and Guides not later than February 7, 1972, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Assistant Director for Rules and Guides on or before February 7, 1972.

The data, views, or arguments presented with respect to the practices in question will be available for examination by interested parties in room 130 of the Division of Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All persons, firms, corporations, or others engaged in franchising, or in the financing of franchise transactions, in commerce, as "commerce" is defined in

the Federal Commission Act, may be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

All interested persons, including the general public, are urged to express their approval or disapproval of the proposed rule, or to recommend revisions thereof, and to give a full statement of their views in connection therewith.

Comments are invited with respect to any aspect of this proposed rule, but the Commission invites comment particularly with respect to the following aspects:

1. The proposed definition of "franchisor", and the possible need for exceptions or exemptions from this definition.

2. The proposed disclosures of financial history, and the possible need for greater specificity with regard to the manner of compliance with subparagraphs (6) and (11) of paragraph (a) of the proposed rule.

3. The extent to which, and the manner in which, the rule should abrogate or supersede State laws which impose similar obligations upon franchisors. (See Note I.)

Issued: November 10, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-16479 Filed 11-10-71;8:49 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1252]

[No. 34364 (Sub-No. 1)]

RAIL AND MOTOR PIGGYBACK FORMS

Proposed Traffic Statistics; Extension of Time for Filing Comments

Present: George M. Stafford, Chairman, to whom the matter which is the subject of this order has been assigned for action.

It appearing, that actual notice of the institution of this proceeding has been given to all class I railroads, other than switching and terminal companies, and to all class I intercity motor carriers of property, and that public notice has been given by publication in the FEDERAL REGISTER on September 29, 1971, at page 19125;

It further appearing, that the time for filing statements of facts, views, and arguments was designated in the notice as 30 days from the date of said publication;

And it further apearing, that on October 26, 1971, the Association of American Railroads filed a petition requesting leave to file a late statement of comments; and good cause appearing therefor,

It is ordered, That, the petition be, and it is hereby, granted, and that the time within which the petitioner may file comments be, and it is hereby, extended to November 22, 1971;

It is further ordered, That, a copy of this order be deposited in the Office of the Secretary of the Commission, and a copy be delivered to the Director of the Federal Register for publication therein.

Dated at Washington, D.C., this 5th day of November 1971.

By the Commission, Chairman Stafford.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-16499 Filed 11-10-71;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR 3000, 3045, 3104, 3200]

GEOTHERMAL RESOURCES LEASING AND OPERATIONS ON PUBLIC, ACQUIRED, AND WITHDRAWN LANDS

Extension of Time for Filing Comments

The time within which written comments may be submitted on the proposed rule making to implement the Geothermal Steam Act of December 24, 1970 (84 Stat. 1566), published in the FEDERAL REGISTER, Volume 36, No. 142, Part II, on July 23, 1971, is hereby extended from November 12, 1971, to November 22, 1971.

The time for submission of written comments was previously extended from September 21, 1971, to November 12, 1971. That time period is now extended to coincide with the closing date for submission of written comments on the Draft Environmental Impact Statement on the Geothermal Leasing Program prepared in accordance with the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969 and released on October 6, 1971. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Geothermal Coordinator, Department of the Interior, Washington, D.C. 20240 at any time prior to the close of business, November 22, 1971.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

NOVEMBER 8, 1971.

[FR Doc.71-16567 Filed 11-10-71;12:36 pm]

Geological Survey

[30 CFR Part 270]

GEOTHERMAL RESOURCES LEASING AND OPERATIONS ON PUBLIC, ACQUIRED, AND WITHDRAWN LANDS

Extension of Time for Filing Comments

CROSS REFERENCE: For a document issued jointly by the Bureau of Land Management and the Geological Survey regarding geothermal resources leasing and operations on public, acquired, and withdrawn lands, see F.R. Doc. 71-16567, Bureau of Land Management, *supra.*

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of Plat of Survey

NOVEMBER 2, 1971.

1. A plat of survey for the following described land, accepted September 21, 1971, will be officially filed in the California State Office, Sacramento, Calif., effective 10 a.m. on December 7, 1971:

MOUNT DIABLO MERIDIAN

T. 29 N., R. 3 W.,
Bloody Island in secs. 22 and 23.

2. This plat represents a dependent resurvey of a portion of the subdivisional lines, designed to restore the corners in their true original locations according to the best available evidence, and the survey of Bloody Island in the Sacramento River in secs. 22 and 23.

3. The area surveyed contains 39.81 acres.

4. Inquiries concerning the land should be addressed to the California State Office, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

JOHN E. CLUTE,
Chief, Branch of Records and Data Management.

[FR Doc.71-16483 Filed 11-10-71;8:49 am]

Geological Survey

[Power Site Cancellation 221]

BOISE RIVER, IDAHO

Cancellation of Power Site

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31) and 220 Departmental Manual 6.1, Power Site Classification 255 of June 11, 1930, is hereby canceled to the extent that it affects the following described land:

BOISE MERIDIAN

T. 5 N., R. 8 E.,
Sec. 9, lots 1, 2, and 5, and NE¼SW¼;
Sec. 10, lots 1 to 8, inclusive, NE¼SE¼, and NW¼SE¼;
Sec. 11, lots 1 to 8, inclusive, SW¼NE¼, NW¼SW¼, and SW¼SE¼;
Sec. 12, lots 1 to 8, inclusive, and NW¼SW¼;
Sec. 16, NW¼NE¼;
Sec. 17, SE¼NE¼;
Sec. 18, SW¼NE¼ and NE¼SW¼;
Sec. 19, NE¼NE¼.

T. 6 N., R. 8 E.,
Sec. 2, lot 4;
Sec. 3, lots 1, 2, and 3, SW¼NE¼, S½NW¼, N½SW¼, and NW¼SE¼;
Sec. 4, SE¼;
Sec. 9, SW¼NE¼.

T. 7 N., R. 8 E.,
Sec. 35, S½SW¼, NE¼SE¼, and S½SE¼.

T. 5 N., R. 9 E.,
Sec. 3, lots 1 to 5, inclusive;
Sec. 4, lot 1 and lots 5 to 8, inclusive, and S½N½;
Sec. 5, lot 8, S½NE¼, SW¼, N½SE¼, and SW¼SE¼;
Sec. 6, lot 11, SE¼SW¼ and E½SE¼;
Sec. 7, lot 1, N½NE¼, SW¼NE¼, and E½NW¼.

T. 6 N., R. 9 E.,
Sec. 25, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 34, SE¼SW¼ and S½SE¼;
Sec. 35, NE¼, E½NW¼, SW¼NW¼, and SW¼;
Sec. 36, NW¼NE¼ and NW¼.

T. 7 N., R. 9 E.,
Sec. 22, SE¼SW¼ and S½SE¼;
Sec. 23, S½SW¼ and SW¼SE¼;
Sec. 24, S½SW¼ and SE¼;
Sec. 25, NW¼NE¼ and N½NW¼;
Sec. 26, N½N½;
Sec. 27, N½NW¼ and SW¼NW¼;
Sec. 28, E½NE¼, SW¼NE¼, NW¼NW¼, SE¼NW¼, N½SW¼, and NW¼SE¼;
Sec. 29, NE¼SW¼, S½SW¼, N½SE¼, and SW¼SE¼;
Sec. 30, SE¼SE¼;
Sec. 31, lot 2, NE¼NE¼, W½NE¼, and E½NW¼.

T. 6 N., R. 10 E.,
Sec. 25, S½S½;
Sec. 26, S½S½;
Sec. 27, S½S½;
Sec. 29, SW¼NE¼, SW¼NW¼, SE¼NW¼, NE¼SW¼, and W½SE¼;
Sec. 30, lots 2 and 3, S½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 32, NE¼;
Sec. 33, SW¼NE¼, S½NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 34, NE¼NE¼, W½NW¼, and NW¼SW¼;
Sec. 35, N½N½;
Sec. 36, N½N½.

T. 7 N., R. 10 E.,
Sec. 19, lots 3 and 4, S½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼.

T. 3 N., R. 11 E.,
Sec. 8, SE¼NE¼;
Sec. 11, S½NW¼.

T. 5 N., R. 11 E.,
Sec. 3, lots 1 to 5, inclusive, and S½NW¼;
Sec. 4, lots 4 to 9, inclusive, SW¼NE¼, and S½NW¼;
Sec. 5, lots 1 to 8, inclusive, and S½NE¼;
Sec. 6, lots 1, 2, 3, 7, and 8.

T. 6 N., R. 11 E.,
Sec. 30, lot 4 and SE¼SW¼;
Sec. 31, lots 1 to 4, inclusive, SW¼NE¼, E½W½, and SE¼;
Sec. 32, S½S½;
Sec. 33, SW¼SW¼;
Sec. 34, lots 4, 6, and 7;
Sec. 35, lots 6 to 11, inclusive;
Sec. 36, lot 2, NE¼, SE¼NW¼, and N½S½.

T. 3 N., R. 12 E.,
Sec. 7, lot 2, SW¼NE¼, SE¼NW¼, and NE¼SE¼;
Sec. 8, W½SW¼ and SE¼SE¼;
Sec. 13, S½SW¼ and NW¼SE¼;
Sec. 14, S½SW¼ and SE¼SE¼;
Sec. 15, N½S½;
Sec. 16, NW¼NW¼, SE¼NW¼, and N½SE¼;
Sec. 17, SW¼NE¼ and SE¼NW¼;
Sec. 18, lot 1, NW¼NE¼, SE¼NE¼, and NE¼NW¼;
Sec. 21, NE¼NW¼;
Sec. 22, S½NE¼ and N½NW¼;
Sec. 23, N½NE¼ and N½S½.

T. 6 N., R. 12 E. (Unsurveyed),
Every smallest legal subdivision any portion of which, when surveyed, will be within ¼ mile of Middle Fork Boise River below Mattingly Cr. Protraction of public land surveys indicates that the land described above, when surveyed, will be wholly within Secs. 28, 29, 30, 31, 32, and 33.

T. 3 N., R. 13 E.,
Sec. 7, E½SW¼ and E½SE¼;
Sec. 18, lot 3, E½NW¼ and E½E½;
Sec. 19, lot 2 and NE¼NW¼.

T. 4 N., R. 13 E.,
Sec. 3, lots 2 to 8, inclusive, SW¼NE¼, S½NW¼, NW¼SW¼, and E½SE¼;
Sec. 10, lots 1 to 8, inclusive, and E½E½;
Sec. 15, lots 1 to 8, inclusive;
Sec. 22, lots 1, 2, 3, 4, and 6;
Sec. 27, W½SE¼.

T. 5 N., R. 13 E. (Unsurveyed),
Every smallest legal subdivision any portion of which, when surveyed, will be within ¼ mile of South Fork of Boise River. Protraction of public land surveys indicates that the land described above, when surveyed, will be wholly within Secs. 10, 15, 22, 26, 27, 34, and 35.
Every smallest legal subdivision any portion of which, when surveyed, will be within ¼ mile of Johnson Creek. Protraction of public land surveys indicates that the land described above, when surveyed, will be wholly within Secs. 2, 3, 10, and 11.

T. 3 N., R. 14 E.,
Sec. 26, SW¼SW¼;
Sec. 27, S½;
Sec. 28, W½NE¼, E½NW¼, and S½;
Sec. 29, W½W½;
Sec. 31, NE¼NE¼;
Sec. 32, N½ and N½S½;
Sec. 33, NW¼NE¼, NE¼NW¼, W½NW¼, and NW¼SW¼;
Sec. 34, NE¼NE¼;
Sec. 35, NW¼NW¼.

The area described aggregates about 19,034 acres.

W. A. RADLINSKI,
Acting Director.

NOVEMBER 4, 1971.

[FR Doc.71-16452 Filed 11-10-71;8:47 am]

[Power Site Cancellation 267]

BOISE RIVER, IDAHO

Cancellation of Power Site

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31) and 220 Departmental Manual 6.1, Power Site Classification 325 of May 12, 1941, is hereby canceled to the extent that it affects the following described land:

BOISE MERIDIAN

T. 3 N., R. 11 E.,
Sec. 4, SE¼SW¼;
Sec. 5, S½NW¼;
Sec. 7, lot 4;
Sec. 8, NW¼NW¼;
Sec. 14, SW¼NE¼ and NW¼SE¼.

The area described aggregates about 276 acres.

W. A. RADLINSKI,
Acting Director.

NOVEMBER 4, 1971.

[FR Doc.71-16454 Filed 11-10-71;8:47 am]

[Power Site Cancellation 247]

SPOKANE RIVER, WASH.

Cancellation of Power Site

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31) and 220 Departmental Manual 6.1, Power Site Classification 61 of March 12, 1924, is hereby canceled to the extent that it affects the following described land:

WILLAMETTE MERIDIAN, WASHINGTON

T. 28 N., R. 36 E.,
Sec. 11, lots 19 and 21.

The area described aggregates about 21 acres.

W. A. RADLINSKI,
Acting Director.

NOVEMBER 4, 1971.

[FR Doc.71-16453 Filed 11-10-71;8:47 am]

[Power Site Classification 463]

TAZIMINA RIVER AND LAKES, ALASKA

Classification of Power Site

Correction

The headings for the correction appearing on page 21527 in the issue of Wednesday, November 10, 1971, should appear as set forth above.

Office of Hearings and Appeals

KAISER STEEL CORP.

Petition for Modification of Mandatory Safety Standard

Notice. In re petition of Kaiser Steel Corp. for modification of mandatory safety standard (30 CFR 75.803), Docket No. M 72-17.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. § 861(c) (1970)), notice is given that Kaiser Steel Corp. has filed a petition to modify the application of 30 CFR 75.803 to petitioner's No. 2 mine, located in Sunnyside, Carbon County, Utah.

30 CFR 75.803 reads as follows:

On and after September 30, 1970, high-voltage, resistance grounded systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken, or other no less effective device approved by the Secretary or his authorized representative to assure such continuity, except that an extension of time, not in excess of 12 months, may be permitted by the Secretary on a mine-by-mine basis if he determines that such equipment is not available.

This regulation is practically identical with section 308(d) of the Act, 30 U.S.C. section 868(d) (1970).

Petitioner asks that the standard be modified in its application to the hoist in its No. 2 mine for the reason that the system in effect at the mine will afford the same measure of protection to the miners as the standard. Petitioner states that the hoist in its No. 2 mine is located approximately 900 feet underground and is operated by 2,300 volts a.c. The transformer supplying the power is a 44,000 to 2,300 volts Delta primary and Delta secondary hookup. The hoist is the only equipment that is operated on this voltage so that the circuit is independent of everything else in or out of the mine. There are 900 feet of No. 2 rubber covered primary cable from the substation outside to the hoist. This cable does not have ground wires in it. The hoist frame, motors, etc., are grounded to the mine ground system. Petitioner is running an insulated ground wire, parallel to the primary cable, outside to be grounded at the transformer. A disconnect switch is being installed on this circuit.

Petitioner states that because the distance is so short and the hoist is the only equipment operating on the circuit it should not have to set up a fail safe ground check system as required by the safety standard.

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

NOVEMBER 4, 1971.

[FR Doc.71-16480 Filed 11-10-71;8:49 am]

Office of the Secretary

CARROL M. BENNETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Sold: Recognition equipment.
(2) Bought: SMC Industries.
(3) None.
(4) None.

This statement is made as of October 11, 1971.

Dated: October 26, 1971.

CARROL M. BENNETT.

[FR Doc.71-16482 Filed 11-10-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

CHICAGO-JOLIET LIVESTOCK MARKETING CENTER, INC., ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

ILLINOIS

Chicago-Joliet Livestock Marketing Center, Inc., Joliet, Oct. 27, 1971.

IOWA

Cascade Sales Barn, Cascade, Nov. 2, 1971.

MISSISSIPPI

Southwest Livestock, Inc., Lorman, Aug. 31, 1971.

NEW YORK

Mohawk Valley Beef Sales, Inc., Westernville, Oct. 14, 1971.

TEXAS

Kennedale Auction Barn, Kennedale, Oct. 20, 1971.
Winnie Livestock Exchange, Winnie, Sept. 16, 1971.

Done at Washington, D.C., this 5th day of November 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

NOVEMBER 8, 1971.

[FR Doc.71-16509 Filed 11-10-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 4725]

CERTAIN SURGICAL SUTURES

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following absorbable and nonabsorbable surgical sutures:

1. Mersilene nonabsorbable surgical sutures of polyester fiber; Ethicon, Inc., U.S. Highway 22, Somerville, New Jersey 08876 (NDA 12-815).

2. Nonabsorbable surgical sutures of braided silk; Ethicon, Inc. (NDA 11-397).

3. Absorbable surgical sutures of chromic beef serosa collagen gut; Ethicon, Inc. (NDA 8–536).

4. Absorbable surgical sutures of plain gut; Ethicon, Inc. (NDA 10–389).

5. Nonabsorbable surgical sutures of braided nylon; Davis & Geck, Division of American Cyanamid Co., Danbury, Connecticut 06810 (NDA 4–725).

Such articles are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such articles without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concluded that these surgical sutures are effective for use as suture material.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Absorbable and nonabsorbable surgical suture preparations are in strand form suitable for suturing or ligating.

2. *Labeling conditions.* The articles are labeled to comply with all requirements of the act and regulations. The labeling bears adequate information for safe and effective use of the article and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" sections are as follows:

INDICATIONS

This article is indicated for use wherever suture material may be required.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraph (a) (1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a) (3) (i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 4725, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 14, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-16486 Filed 11-10-71;8:50 am]

[DESI 10690]

CERTAIN INHALATION ANESTHETICS CONTAINING FLUROXENE, HALOTHANE, OR METHOXYFLURANE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following anesthetic drugs for inhalation administration:

1. Fluoromar liquid containing fluroxene; Ohio Medical Products, Division of Air Reduction Co., Murray Hill, New Jersey 07974 (NDA 10–690).

2. Fluothane liquid containing halothane; Ayerst Laboratories, Division of American Home Products Corp., 685 Third Avenue, New York, New York 10017 (NDA 11–338).

3. Penthrane liquid containing methoxyflurane; Abbott Laboratories, Inc., 14th and Sheridan Road, North Chicago, Illinois 60064 (NDA 13–056).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that these drugs are effective for the induction and maintenance of surgical anesthesia.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve for the drugs fluroxene and halothane abbreviated new drug applications and abbreviated supplements, and for the drug methoxyflurane new drug applications and supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* These preparations are in a form suitable for inhalation administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows:

INDICATIONS

For the induction and maintenance of general anesthesia.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

FLUROXENE AND HALOTHANE

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraph (a) (1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a) (3) (i) of that notice.

METHOXYFLURANE

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and a supplement for updating information as described in paragraphs (a) (1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of a full new drug application as described in paragraph (a) (3) (iii) of that notice.

c. For any distributor of any of the drugs, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 10690, directed to the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.
Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 6, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–16487 Filed 11–10–71;8:50 am]

EAGLE-PICHER INDUSTRIES, INC.

Notice of Filing of Petition for Food Additive Diatomaceous Earth

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a food additive petition (MF 3427) has been filed by Eagle-Picher Industries, Inc., American Building, Cincinnati, Ohio 45202, proposing that § 121.322 *Diatomaceous earth* (21 CFR 121.322) be amended to change the specifications for the additive to provide for the use of diatomaceous earth having not more than 20 parts per million arsenic as As. It is used or intended for use as an inert carrier or anticaking agent in animal feeds.

Dated: November 3, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–16484 Filed 11–10–71;8:50 am]

W. R. GRACE & CO., DEWEY AND ALMY CHEMICAL DIVISION

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2714) has been filed by W. R. Grace & Co., Dewey and Almy Chemical Division, 62 Whittemore Avenue, Cambridge, Mass. 02140, proposing that § 121.2514 *Resinous and polymeric coatings* be amended to provide for the safe use of urea in the manufacture of resinous and polymeric food contact coatings.

Dated: October 13, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71–16485 Filed 11–10–71;8:50 am]

[Docket No. FDC–D–391; NADA No. 38–293V]

UPJOHN CO.

Lincocin Forte; Notice of Opportunity for Hearing

Notice is given to The Upjohn Co., Kalamazoo, Mich. 49001, and to any interested persons who may adversely affected that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA (new animal drug application) No. 38–293V with respect to Lincocin Forte, an udder infusion product for the treatment of bovine mastitus which contains in each 10 cubic centimeters: Lincomycin hydrochloride monohydrate equivalent to 200 milligrams of lincomycin base, neomycin sulfate equivalent to 200 milligrams of neomycin base, and 5 milligrams of methylprednisolone N.F.

The Commissioner, on the basis of an evaluation of new information before him with respect to such drug together with the evidence available to him when the application was approved, concludes that the drug is not shown to be safe under the conditions of use upon the basis of which the application was approved.

Information available to the Commissioner has established that residues of neomycin exceeding the tolerance of 0.15 part per million (negligible residue provided by 21 CFR 135g.25) are present in milk taken from animals in which the drug has been used as labeled.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant and any interested person who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such perosns may produce evidence and arguments to show why approval of NADA No. 38–293V should not be withdrawn. Promulgation of the proposed order will cause any such preparation to be a new animal drug for which no approved new animal drug application is in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing approval of the new animal drug application.

Failure of such persons to file a written appearance of election within 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing concerning a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why the approval of the new animal drug application should not be withdrawn together with a well organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for the notice of opportunity for a hearing. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of this application, the Commissioner will enter an order stating his findings and conclusions on such data. If the hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. The time shall be not more than 90 days after the expiration of said 30 days unless the hearing examiner and the applicant otherwise agree.

Responses to this notice will be available for public inspection in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 1, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–16489 Filed 11–10–71;8:50 am]

[DESI 11287]

SODIUM POLYSTYRENE SULFONATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Kayexalate containing sodium polystyrene sulfonate; Winthrop Laboratories, Division of Sterling Drug Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 11–287).

Such drug is regarded as a new drug (21 U.S.C. 321(p)). Supplemental new

drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that this drug is effective for the symptomatic treatment of hyperkalemia.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Sodium polystyrene sulfonate preparations are in fine powder form suitable for oral or rectal administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows: (Labeling guidelines for the drug are available from the Administration on request.)

INDICATIONS

SYMPTOMATIC TREATMENT OF HYPERKALEMIA

3. Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a) (1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a) (3) (i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 11287, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 14, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-16488 Filed 11-10-71;8:50 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-404; 50-405]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

The Virginia Electric and Power Co., 700 East Franklin Street, Richmond, VA 23209, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, dated September 15, 1971, for authorization to construct and operate two additional nuclear reactors, designated as the North Anna Power Station Units No. 3 and No. 4, on the applicant's site in Louisa County, Va.

The site is located south of the North Anna River, approximately 24 miles southwest of Fredericksburg, 40 miles north-northwest of Richmond, Va., and 38 miles east of Charlottesville, Va. The reactors will be located adjacent to North Anna Power Station Units No. 1 and No. 2 on a peninsula in a reservoir that is to be formed when an earthen dam is constructed approximately 5 miles southeast of the site.

The proposed nuclear powerplant will consist of two pressurized water reactors, each of which is designed for initial operation at approximately 2,631 thermal megawatts with a gross electrical output of approximately 950 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after October 21, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Office of the Board of Supervisors, Louisa County Courthouse, Louisa, Va. 23093.

Dated at Bethesda, Md., this 5th day of October 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-14808 Filed 10-20-71;8:45 am]

[Docket No. 50-360]

BATTELLE MEMORIAL INSTITUTE

Notice of Proposed Issuance of Facility License

The Atomic Energy Commission ("the Commission") is considering the issuance of a facility license to the Battelle Memorial Institute, Richland, Wash. The license would authorize Battelle to operate the Plutonium Recycle Critical Facility (PRCF), which is owned by the Commission and located near Richland, Wash., at steady-state power levels not to exceed 10 kilowatts (thermal) in accordance with the provisions of the proposed license and the Technical Specifications appended thereto.

The operation of the facility started in 1963 with the General Electric Co. as the contractor. Since January 1965, the facility has been operated by the Battelle Memorial Institute for the Commission. The Commission has granted to Battelle a Use Permit which contemplates, among other things, the use of the PRCF by Battelle in conducting research and development activities for its own account. Such use requires a license pursuant to section 104c of the Atomic Energy Act of 1954, as amended ("the Act"), and 10 CFR Part 50.

The Commission has found that the application, as amended, for the facility license complies with the requirements of the Act, and the Commission's regulations published in 10 CFR Chapter I. The license will be issued after the Commission makes the findings required by the Act and the Commission's regulations, which are set forth in the proposed license, and concludes that the issuance of this license will not be inimical to the common defense and security or to the health and safety of the public. In addition, Battelle Memorial Institute will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed license, see (1) the application

notarized April 27, 1970, and amendments thereto dated July 6, 1970, and December 28, 1970, and (2) the proposed facility license, including the Technical Specifications, and (3) a related Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of each of items (2) and (3) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 4th day of November 1971.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-16571 Filed 11-10-71;8:53 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23837]

BASLER FLIGHT SERVICE, INC., ENFORCEMENT PROCEEDING

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 1, 1971, at 10 a.m. (local time) in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

Dated at Washington, D.C., November 5, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-16503 Filed 11-10-71;8:51 am]

[Docket No. 23910]

NIGERIA AIRWAYS, LTD. FOREIGN AIR CARRIER PERMIT APPLICATION

Notice of Postponement of Prehearing Conference and Hearing

Notice is hereby given that the prehearing conference now scheduled for November 26, 1971, is hereby postponed to December 9, 1971, at 10 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before December 2, 1971.

Dated at Washington, D.C., November 5, 1971.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.71-16504 Filed 11-10-71;8:51 am]

[Dockets Nos. 23780, 23919, Order 71-11-30]

STUDENT, YOUTH, AND SENIOR-CITIZENS FARES IN U.S. AND FOREIGN AIR TRANSPORTATION

Order of Consolidation

Student, youth, and senior-citizen fares in foreign air transportation, Docket 23780; international student and youth fares applying to U.S. residents in air transportation, Docket 23780; senior-citizen fares in foreign air transportation, Docket 23919.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of November 1971.

By Order 71-9-3, dated September 1, 1971, the Board ordered an investigation of student and youth fares in foreign air transportation. By Order 71-10-71, dated October 18, 1971, an investigation was ordered into the lawfulness of senior-citizen fares in foreign air transportation.[1] Both investigations are currently awaiting the assignment of an examiner and a prehearing conference.

Upon consideration of the substantial identity of the issues and other factors, the Board finds that consolidation of Docket 23919 into Docket 23780 will be conducive to the proper dispatch of the Board's business and to the ends of justice and will not unduly delay the proceedings.

Accordingly, pursuant to the Federal Aviation Act of 1958, *It is ordered,* That:

1. Docket 23919 is consolidated into Docket 23780, which is redesignated as "Student, Youth, and Senior-Citizen Fares in Foreign Air Transportation."

2. Copies of this order shall be served upon all parties to Dockets 23919 and 23780.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-16500 Filed 11-10-71;8:53 am]

[Docket No. 21866-9; Order 71-11-29]

NORTHWEST AIRLINES, INC.

Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of November 1971.

Proposal by Northwest Airlines, Inc., revised application of night coach fares, Docket 21866-9.

By Order 71-9-99, dated September 27, 1971, the Board suspended and set for investigation a proposal made by Northwest Airlines, Inc. (Northwest) to revise the applicability of its deluxe night coach and night coach fares so as to apply on flights departing Miami for Chicago, Milwaukee, and Minneapolis between the hours of 9 p.m. and 3:59 a.m., instead of the present 10 p.m. and 3:59 a.m. On October 15, 1971, Northwest filed a petition for reconsideration requesting that the Board reverse its decision and permit it to implement the change as proposed.

In support of its petition, Northwest alleges that, effective December 15, 1971, Delta Air Lines, Inc. (Delta) plans to operate a night coach service departing Miami at 9 p.m. for Chicago. Accordingly, Northwest requests either that the Board permit it to match this service or that it order Delta to charge the appropriate day coach fare for the flight in question.

The Board finds that Northwest's petition sets forth no new facts which warrant a reversal of our decision in Order 71-9-99. Delta has now filed a change in its official schedules which cancels the Miami departure in question and in lieu thereof provides a night coach flight departing Ft. Lauderdale at 10 p.m. Consequently, the issue of competitive necessity appears to have been resolved.

Accordingly, pursuant to the Federal Aviation Act of 1958, *It is ordered,* That:

1. The request by Northwest Airlines, Inc. for reconsideration of Order 71-9-99 is hereby denied.

2. Copies of this order be served upon Delta Air Lines, Inc., Eastern Air Lines, Inc., and Northwest Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-16501 Filed 11-10-71;8:53 am]

[1] Subsequent to the date of the latter order, Sabena Belgian World Airlines filed senior-citizen fares applicable between New York and Belgium which match the KLM senior-citizen fares. These fares are automatically included in Docket 23919.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. F-128]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the New Jersey Board of Public Utility Commissioners in a proceeding (Docket Nos. 719-627 and 719-628) involving the applications of New Jersey Power and Light Co., and its affiliate, Jersey Central Power and Light Co., for a rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROD KREGER,
Acting Administrator,
General Services Administration.

NOVEMBER 5, 1971.

[FR Doc.71-16481 Filed 11-10-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 569]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

NOVEMBER 8, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary,

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

2415-C2-P-72—Empire Communications Co. (New), For a new one-way station to be located at the KPIC Tower, 3 miles northeast of Roseberg, Oreg., to operate on 152.24 MHz.

2416-C2-MP-72—Maureen L. Smith (KRS715), To replace transmitter operating on 158.70 MHz located at 606 Wisconsin Avenue, Milwaukee, WI.

2417-C2-P-72—Monroe Radiotelephone Co. (KKX711), To replace transmitter operating on 152.06 MHz, located at 0.5 mile northwest of Petal, Miss.

2418-C2-P-72—Monroe Radiotelephone Co. (KKM574), To replace transmitter operating on 152.03 MHz, located at 408 South 14th Avenue, Laurel, MI.

2419-C2-P-72—All City Telephone Answering Service, Inc. (KRS716), For additional facilities to operate on 152.24 MHz, at location No. 2: 20600 West National Avenue, New Berlin, WI.

2420-C2-AL-72—Lee Telephone Co., Consent to transfer of control from Lee Telephone Co., Assignor, to: New Lee, Inc., Assignee. Station: KJU797 Martinsville, Va.

2422-C2-AL-(2)-72—Southeastern Telephone Co., Consent to assignment of license from Southeastern Telephone Co., Assignor, to: New Southeastern, Inc., Assignee. Stations: KIN646 Tallahassee, Fla., and KIY737 Crestview, Fla.

2437-C2-P-72—Paging, Inc. (New), For a new two-way station to be located at Brosh Mountain, 2.8 miles northwest of Blacksburg, Va., to operate on 152.18 MHz.

2438-C2-P-72—Paging, Inc. (New), For a new two-way station to be located at Route No. 57, 0.2 mile east of Martinsville, Va., to operate on 152.18 MHz.

2439-C2-AL-(2)-72—Allegheny Mobile Communications, Consent to assignment of license from Nicholas Mervos, Jr., Ben Farkas and Edith M. Miller, Administratrix of Estate of Joseph S. Miller (Deceased), doing business as Allegheny Mobile Communications, Assignors, to: Allegheny Mobile Telephone Co., Inc., Assignee. Stations: KGA252 McKeesport, Pa., and KWB370 Pittsburgh, Pa. (one-way).

2442-C2-P-(2)-72—Radio Dispatch Co. (New), For a new one-way station to be located at 2.5 miles east-northeast of Bridgeton, N.J., to operate on frequencies 152.240 and 158.700 MHz.

2443-C2-P-72—Unita Basin Telephone Association, Inc. (KON903), Replace transmitter and change the antenna system operating on 152.54 MHz, located 1 mile northeast of Randlett, Utah.

2444-C2-P-(2)-72—New York Telephone Co. (KED350), Replace transmitters and add antenna for facilities operating on 454.675 and 454.750 MHz, located at Southport Hill, Comfort Road—5.75 miles south of Elmira, N.Y. (Air-Ground).

2445-C2-ML-72—Imperial Communications Corp. (KLF644), Interchange frequencies of the 152.24 MHz base station at location No. 1: Mount Soledad, San Diego, Calif., with the 158.70 MHz base station at location No. 3: Mount Woodson, Calif.

2446-C2-ML-72—Imperial Communications Corp. (KMA262), Interchange frequencies of the 152.03 MHz base station at location No. 1: Mount Soledad, San Diego, Calif., with the 152.18 MHz at location No. 4: Mount Woodson, Calif.

2447-C2-MP-72—Mobilfone Communications (KLB500), Change base frequency to 152.18 MHz; replace transmitter operating on same; change the antenna system and relocate facilities to 200 West Capitol Street, Little Rock, AR.

2448-C2-MP-(4)72—Capital Telephone Co. (KEC337), Add repeater facilities to operate on 454.200 MHz and 454.275 MHz at Helderberg 2, 2.2 miles west-northwest of New Salem, New Scotland, N.Y., and add control facilities to operate on 459.200 MHz and 459.275 MHz at 611 Union Street, Schenectady, NY.

2523-C2-P-72—Telephone Answering Exchange (KGI781), Replace transmitter and change the power for facilities operating on 152.24 MHz, located at WWSL-FM, Bald Mountain, Scranton, Pa.

2562-C2-P-72—Montana Communications (KOF914), Replace transmitter and change the power for facilities operating on 454.05 MHz at location No. 1: 3200 Clark Street, Missoula, MT.

2563-C2-P-72—South Central Bell Telephone Co. (KIY600), For additional facilities to operate on 158.04 MHz (auxiliary test), at 810 Kentucky Avenue, Paducah, KY.

2564-C2-P-72—Kidd's Communications, Inc. (KMA257), Relocate control facilities operating on 459.325 MHz from location No. 9 to location No. 3: 105 Asher Street, Taft, CA.

2570-C2-P-72—New Jersey Mobile Telephone Co., Inc. (KEK290), For additional facilities to operate on 454.200 MHz at location No. 2: Prospect Street, Mountainside, N.J.

2587-C2-P-72—Southwestern Bell Telephone Co. (New), For a new two-way station to be located at 209-11 East Fourth Street, Sweetwater, TX, to operate on 152.69 MHz.

2588-C2-P-72—Southwestern Bell Telephone Co. (KKT401), Replace transmitter and change the antenna system operating on 152.75 MHz, located at 8.7 miles southeast of Colorado City, TX.

2589-C2-P-72—Two-Way Radio of Carolina, Inc. (KIY754), Relocate facilities operating on 454.05 MHz control, at location No. 2: 203 Main Street, Hamlet, NC.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

Major Amendment

7519-C2-P-70—Curtin Call Communications (New), Amended to change base frequency to 158.70 MHz and class of station to one-way signaling. See public notice dated May 25, 1970, Report No. 493.

5029-C2-P-71—City Answering Service (New), Amended to change location and antenna height above terrain. See public notice dated Mar. 29, 1971, Report No. 537.

RURAL RADIO SERVICE

2420-C1-AL-72—Lee Telephone Co., Consent to assignment of license from Lee Telephone Co., Assignor, to: New Lee, Inc., Assignee. Station: WAD71 Temp-Fixed.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

2421-C1-AL-(3)-72—Lee Telephone Co., Consent to assignment of license from Lee Telephone Co., Assignor, to New Lee, Inc., Assignee. Stations: KJH24 Martinsville, Va.; KJH25 Figsboro, Va.; KYO78 Rocky Mount, Va.

2423-C1-AL-(15)-72—Southeastern Telephone Co., Consent to assignment of license from Southeastern Telephone Co., Assignor, to New Southeastern, Inc., Assignee. Stations: KIQ62 Monticello, Fla.; KIQ63 Tallahassee, Fla.; KIQ64 Crestview, Fla.; KIQ65 Gobbler Hill, Fla.; KIQ66 Fort Walton Beach, Fla.; KIT39 Eglin Air Force Base, Fla.; KJA73 Crestview, Fla.; KJB43 Forrest Beach, Fla.; KJX35 Crawfordville, Fla.; KKU97 Temporary Fixed Location; KYC77 Eglin Air Force Base, Fla.; KYC78 De Funiak Springs, Fla.; KYC79 Mossy Head, Fla.; KYN97 Madison, Fla.; KYN98 Greenville, Fla.

2565-C1-P-72—South Central Bell Telephone Co. (KLT46), Location: 333 North Sixth Street, Baton Rouge, La. Latitude 30°26'59" N., longitude 91°11'06" W. To add frequency 11,245 MHz toward WRBT-TV Studios, Baton Rouge, La., and change street address from 555 Florida Street, to 333 North Sixth Street.

2598-C1-P-72—MCI St. Louis-Texas, Inc. (New), A new station at 7900 Van Buren Street, St. Louis, MO, at latitude 38°32'30" N., longitude 90°15'19" W. Frequencies 6375.2 MHz on azimuth 242°30'. Frequency 10,735 MHz and 11,135 MHz on azimuth 29°59'.

2599-C1-P-72—MCI St. Louis-Texas, Inc. (New), A new station 3 miles north of Stafford, Mo., at latitude 37°19'19" N., and longitude 93°07'53" W. Frequency 6315.9 MHz on azimuth 65°31' and 6256.5 MHz on azimuth 228°50'.

Major Amendment

5922-C1-P-70—MCI St. Louis-Texas, Inc. (New), Site No. 1: Station location: 720 Olive Street, St. Louis, MO. To delete frequencies 6212.0 MHz and 6360.3 MHz add frequencies 11,225 MHz and 11,625 MHz. Correct azimuth to 210°01'.

5923-C1-P-70—MCI St. Louis-Texas, Inc. (New), Site No. 2: Station location: 2 miles southeast of High Ridge, Mo. Delete Frequencies 5960.0 and 6078.6 MHz on azimuth 58°22' and 6034.2 MHz and 6152.8 MHz at 270°10'. Add frequencies 6004.5 MHz on azimuth 62°20' and 6152.8 MHz on azimuth 273°38'. Relocate site to latitude 38°26'16" N., longitude 90°30'30" W.

5924-C1-P-70—MCI St. Louis-Texas, Inc. (New), Site No. 3: Station location: 3.6 miles northwest of Union, Mo. Delete frequencies 6197.2 and 6315.9 MHz on azimuth 89°50' and 6256.5 and 6375.2 MHz on azimuth 274°42'. Add frequencies 6256.5 MHz on azimuth 93°17' and 6404.8 MHz on azimuth 274°46'. Relocate site to latitude 38°27'50" N., longitude 91°03'30" W.

5925-C1-P-70—MCI St. Louis-Texas, Inc. (New), Site No. 4: Station location: 2 miles north of Drake, Mo. Delete frequencies 6004.5 and 6123.1 MHz on azimuth 94°27' and 5945.2 and 6063.8 MHz on azimuth 238°55'. Add frequencies 6152.8 MHz on azimuth 94°31' and 6152.8 MHz on azimuth 237°36'. Relocate site to latitude 38°29'23" N., longitude 91°-27'45" W.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—Continued

5926-C1-P-70—MCI St. Louis-Texas, Inc. (New), Site No. 5: Station location: 4.3 miles south-southwest of Freeburg, Mo. Delete frequencies 6226.9 and 6345.5 MHz on azimuth 58°37' and 6197.2 MHz and 6315.9 MHz on azimuth 213°51'. Add frequency 6345.5 MHz on azimuth 57°19' and 6197.2 MHz on azimuth 215°16'. Relocate site to latitude 38°15'15" N., longitude 91°55'53" W.

5927-C1-P-70—MCI St. Louis-Texas, Inc. (New), Site No. 6: Station location: 1.5 miles northeast of Hancock, Mo. Delete frequencies 5974.8 and 6093.5 MHz on azimuth 33°43' and 6004.5 and 6123.1 MHz on azimuth 228°56'. Add frequency 6093.5 MHz on azimuth 35°08' and 6152.8 MHz on azimuth 228°55'. Relocate site to latitude 37°59'50" N., longitude 92°09'39" W.

5928-C1-P-70—MCI St. Louis-Texas, Inc. (New), Site No. 7: Station location: 2.2 miles east-southeast of Lebanon, Mo. Delete frequencies 6286.2 and 6404.8 MHz on azimuth 48°39' and 6226.9 and 6345.5 MHz on azimuth 207°29'. Add frequency 6315.9 MHz on azimuth 48°38' and 6375.2 MHz on azimuth 216°47'. Relocate site to latitude 37°40'35" N., longitude 92°37'21" W.

5929-C1-P-70—MCI St. Louis-Texas, Inc. (New), Site No. 8: Delete name Fordland, add name Sparkle Brook. Delete frequencies 5945.2 and 6063.8 MHz on azimuth 27°17' and 5974.8 and 6093.5 MHz on azimuth 273°00'. Add frequencies 6152.8 MHz on azimuth 36°38' and 6004.5 MHz on azimuth 245°40'. Relocate site to latitude 37°25'08" N., longitude 92°51'49" W.

5930-C1-P-70—MCI St. Louis-Texas, Inc. (New), Site No. 9: Station location: Landers Building, Public Square, Springfield, Mo. Delete frequencies 6256.5 and 6375.2 MHz on azimuth 92°47' and 6226.9 MHz and 6345.2 MHz on azimuth 238°45'. Add frequency 6034.2 MHz on azimuth 48°44' and 6093.5 MHz on 238°43'.

5931-C1-P-70—MCI St. Louis-Texas, Inc. (New), Site No. 10: Station location: 3.5 miles north-northeast of Marionville, Mo. Delete frequencies 6004.5 and 6123.1 MHz on azimuth 58°33'. Add frequency 6286.2 MHz on azimuth 58°31'. Relocate site to latitude 37°03'07" N., longitude 93°36'52" W. All other particulars same as reported on public notice dated Apr. 13, 1970.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

The following applicants proposes to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programed" television service.

2440-C1-P-72—Microwave Transmission Corp. (New), A new station at 530 B Street, San Diego, CA. Latitude 32°43'05" N., longitude 117°09'32" W. Frequencies: 2152.325 (visual) 2150.20 MHz (aural) toward various receiving points of system and 2158.50 (visual) 2154.00 MHz (aural) toward various receiving points of system.

2441-C1-P-72—American Communications & Electronics Corp. (New), A new station at 104 West Franklin Street, Richmond, VA. Latitude 37°32'41" N., longitude 77°26'40" W. Frequencies: 2152.325 MHz (visual) and 2150.20 MHz (aural) toward various receiving points of system and 2158.50 MHz (visual) and 2154.00 MHz (aural) toward various receiving points of system.

2560-C1-P-72—Microband Corp. of America (New), A new station at First and Merchants National Bank Building, Atlantic and Plume Streets, Norfolk, VA. Latitude 36°50'43" N., longitude 76°17'28" W. Frequencies 2152.325 MHz (visual) and 2150.20 MHz (aural) toward various receiving points of system and 2158.50 MHz (visual)) and 2154.00 MHz (aural) toward various receiving points of system.

2561-C1-P-72—Microband Corp. of America (New), A new station at Industrial National Bank Building, 111 Westminster Street, Providence, RI. Latitude 41°49'25" N., longitude 71°27'06" W. Frequencies: 2152.325 MHz (visual) and 2150.20 MHz (aural) toward various receiving points of system and 2158.50 MHz (visual) and 2154.00 MHz (aural) toward various receiving points of system.

[FR Doc.71-16510 Filed 11-10-71;8:51 am]

[Docket No. 19339; FCC 71-1113]

DUBUQUE COMMUNICATIONS CORP.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In regard application of Dubuque Communications Corp. (KDUB-TV), Dubuque, Iowa, for license to cover construction permit, Docket No. 19339, File No. BLCT-2002.

1. We have before us for consideration: (1) The captioned license application of Dubuque Communications Corp., licensee of television Station KDUB-TV, Dubuque, Iowa; and (2) matters coming to our attention as a result of an investigation in Docket No. 18811,[1] which raise a substantial question as to Dubuque Communications Corp.'s qualifications to be a licensee of the Commission.

2. In view of the evidence adduced in Docket No. 18811 with respect to the actions of Gerald Green, president of Dubuque Communications Corp. and general manager of Station KDUB-TV, we are unable to conclude that a grant of the captioned application would serve the public interest. Accordingly, it is necessary to designate the application for hearing.

3. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the captioned application is designated for hearing at Washington, D.C., at a time to be specified in a subsequent order, upon the following issues;

1. To determine all of the facts and circumstances surrounding the payments made by Gerald Green to a representative of the American Broadcasting Co.

2. To determine in light of the evidence adduced pursuant to the above issue, whether Dubuque Communications Corp. possesses the requisite qualifications to be a licensee of the Commission.

3. To determine in light of the evidence adduced pursuant to the above issues, whether a grant of the application would serve the public interest, convenience and necessity.

4. *It is further ordered,* That the Chief of the Broadcast Bureau shall serve upon the captioned applicant, within sixty (60) days of the release of this order, a bill of particulars setting forth the basis for the adoption of the above hearing issue (1).

5. *It is further ordered,* That the Broadcast Bureau shall proceed with the initial introduction of evidence with respect to issue (1) and the applicant shall have the burden of proof with respect to all the issues.

6. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered,* That the applicant shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner specified in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 28, 1971.

Released: November 4, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-16518 Filed 11-10-71;8:52 am]

[1] In Docket No. 18811, the Commission, pursuant to sections 403 and 409(1) of the Communications Act of 1934, as amended, instituted an inquiry to determine whether broadcast licensees or permittees, or any principal, agent or employee thereof, made payments to employees or principals of networks for the purpose of obtaining affiliation with such networks. The Commission emphasized that any such payment raises questions as to the particular party's qualifications to remain a licensee or permittee of the Commission, FCC 70-267, released Mar. 16, 1970.

[2] Commissioner Reid not participating.

[Docket No. 19340; FCC 71-1114]

LOOK TELEVISION CORP.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In regard application of Look Television Corp. (WJJY-TV), Jacksonville, Ill., for renewal of license, Docket No. 19340, File No. BRCT-663.

1. We have before us for consideration: (1) The captioned application of Look Television Corp. for renewal of the license of television station WJJY-TV, Jacksonville, Ill.; and (2) matters coming to our attention as a result of an investigation in Docket No. 18811,[1] which raise a substantial question as to Look Television Corp.'s qualifications to be a licensee of the Commission.

2. In view of the evidence adduced in Docket No. 18811 with respect to the actions of Keith Moyer, president of Look Television Corp., we are unable to conclude that a grant of the captioned application would serve the public interest. Accordingly, it is necessary to designate the renewal application for hearing.

3. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the captioned application is designated for hearing at Washington, D.C., at a time to be specified in a subsequent order, upon the following issues:

1. To determine all of the facts and circumstances surrounding the payment made by Keith Moyer to a representative of the American Broadcasting Co. and the changes in the Station WJJY-TV affiliation agreement.

2. To determine in light of the evidence adduced pursuant to the above issue, whether Look Television Corp. possess the requisite qualifications to be a licensee of the Commission.

3. To determine in light of the evidence adduced pursuant to the above issues, whether a grant of the application would serve the public interest, convenience, and necessity.

4. *It is further ordered,* That the Chief of the Broadcast Bureau shall serve upon the captioned applicant, within sixty (60) days of the release of this order, a bill of particular setting forth the basis for the adoption of the above hearing issue (1).

5. *It is further ordered,* That the Broadcast Bureau shall proceed with the initial introduction of evidence with respect to issue (1) and the applicant shall have the burden of proof with respect to all the issues.

6. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered,* That the applicant shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner specified in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 28, 1971.

Released: November 4, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-16519 Filed 11-10-71;8:52 am]

[1] In Docket No. 18811, the Commission, pursuant to sections 403 and 409(1) of the Communications Act of 1934, as amended, instituted an inquiry to determine whether broadcast licensees or permittees, or any principal, agent or employee thereof, made payments to employees or principals of networks for the purpose of obtaining affiliation with such networks. The Commission emphasized that any such payment raises questions as to the particular party's qualifications to remain a licensee or permittee of the Commission, FCC 70-267, released March 16, 1970.

[2] Commissioner Reid not participating.

[FCC 71-1149]

SCREEN GEMS STATIONS, INC.

Memorandum Opinion and Order Regarding Prime Time Access Rule Waiver

In the matter of request for waiver of the "prime time access" rule, § 73.658(k)

by Station KCPX–TV, Salt Lake City, Utah.

1. The Commission has received from Screen Gems Stations, Inc. a request for waiver of the "prime time access" rule, § 73.658(k), which, after October 1, 1971, in general limits TV stations in the top 50 markets to the presentation of no more than 3 hours of network programing during "prime time" (7–11 p.m., local time, except 6–10 p.m., c.t. in the central time zone). The request is on behalf of Station KCPX–TV, Salt Lake City, Utah, and is for permission to present 3 hours 15 minutes of ABC programs during prime time on Saturday, November 6, 1971. This would include 3 hours of ABC's NCAA football game that evening (which begins at 9:30 e.t., or 7:30 m.t.), plus 15 minutes of ABC late news, which the station wishes to present from 10:30 to 10:45 p.m., m.t.

2. In support of its request, Screen Gems asserts that the waiver request is for only 15 minutes on one date only, "results from" the presentation of a live sports event of widespread interest (citing footnote 35 of the report and order in Docket 12782, 23 FCC 2d 382), and reflects the unique situation of stations in the mountain time zone. Viewers in the eastern and central zones can watch both the entire game and the following ABC news without any problem, with half the game and the news occurring after prime time ends, but this is not true in the mountain zone. It is also asserted that KCPX–TV has made a number of changes in its schedule to comply with the new "prime time access" rule; from an earlier request by this station (which was denied) it appears that its weekly total of network programing during prime time is somewhat under the 21 hours weekly limit which the rule in effect imposes on such presentation.

3. We are of the view that waiver is warranted in this instance. This is not on the basis of "footnote 35," which is limited to situations where waiver is required to permit the completion of a live sports broadcast which does not normally, but may occasionally, run over the allotted time. Rather, our decision is based on the fact that this is a "one-time" request, involving only 15 minutes, and, also, it results from circumstances peculiar to the mountain time zone and the few stations in the three "top 50" markets located therein. We also note the fact that the station appears to be presenting less than 21 hours a week of network material during prime time, and are conditioning the waiver on a corresponding reduction in such presentation during the next 7 days following Saturday, November 6.

4. In view of the foregoing: *It is ordered*, That, Station KCPX–TV, Salt Lake City, Utah, is granted waiver of § 73.658(k) of the rules, to permit the presentation of the ABC football game plus 15 minutes of ABC news on the evening of Saturday, November 6, 1971: *Provided*, That the station carry no more than a total of 20¾ hours of network programs during prime time on the following 7 days.

Adopted: November 3, 1971.

Released: November 5, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary

[FR Doc.71–16511 Filed 11–10–71;8:52 am]

TUNG BROADCASTING CO. AND ANDRES CALANDRIA

[Dockets Nos. 19345, 19346; FCC 71–1136]

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Tung Broadcasting Co., Picayune, Miss., Requests: 106.3 mcs, No. 292; 3 kw. (H); 3 kw. (V); 177 feet, Docket No. 19345, File No. BPH–7285; Andres Calandria, Picayune, Miss., Requests: 106.3 mcs, No. 292; 3 kw.; 300 feet, Docket No. 19346, File No. BPH–7331; for construction permits.

1. The Commission has under consideration (a) the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; (b) "Petition to Deny" the Calandria application, filed by Tung Broadcasting Co.; (c) Calandria's "Reply to Petition to Deny"; and, (d) "Response of Tung Broadcasting Company".[1]

2. In its petition, Tung Broadcasting attempts to raise three issues against Andres Calandria. At considerable length, it argues that Calandria's financial and staffing proposals are totally inadequate. It contends that Calandria's estimates are either too low or do not include all necessary items, and in any event, that the availability of the funds necessary to construct and operate have not been demonstrated. Calandria's answer is that all of the points raised in the pleading were satisfied by the supplemental financial showing contained in his amendment. Tung Broadcasting's response does not question Calandria's financial qualifications as such, so much as it does the absence of an explanation of the basis for the differences in the figures specified in the amended financial showing. Moreover, in its view, Calandria is dependent on outside financing and expertise, and at least as to the matter of anticipated revenues, his showing is not consistent with reasonable expectations for the market.

3. We have carefully reviewed Calandria's financial showing and on the basis of his amended application conclude that an issue on this aspect of his proposal is not required. Calandria's primary source of funds is a $100,000 loan from his mother, Challis Walker de Calandria. Tung Broadcasting alleges that this loan is not acceptable because it does not set forth specific terms of repayment, but in light of the fact that Mrs. Calandria has stated that the loan shall be free of both interest charges and collateral requirements, and that repayment shall be made only out of the net profits of the station, we have credited Calandria with the entire $100,000. Thus, Mr. Calandria has shown that he has available a cushion of more than $37,000 above his stated needs of $63,482, which includes $32,982 for first-year operation. What Tung Broadcasting considers as the lack of explanation for the change in Calandria's cost estimates and his lack of managerial and sales experience in radio are not only irrelevant to the need for a financial issue—which we reject—but also to the other questions it seeks to raise about the Calandria application.

4. The other questions which Tung Broadcasting has petitioned to be put in issue are directed to the bona fides of Calandria's application. Specifically, Tung Broadcasting asserts that doubt exists that Calandria is the true party in interest in what it contends is a strike application. In support of these assertions, Tung Broadcasting contends that Calandria is closely associated with Ben O. Griffin, the licensee of WRPM(FM), Poplarville, Miss., some 25 miles away. According to Tung Broadcasting, that station, in significant measure, directs its programing and advertising solicitation efforts towards Picayune. Thus, Tung Broadcasting asserts, the expectation would be that the licensee of WRPM (FM) would be affected by grant of a first nighttime service in Picayune. Yet, according to the petition, the licensee not only has not opposed Calandria's efforts to obtain such a station, it has cooperated by agreeing to sell land for a transmitter site, by letting Calandria use his drugstore for a mailing address and even by letting his daughter assist Calandria in conducting the community survey. Tung Broadcasting also states that Calandria utilized the services of Mr. Griffin's consulting engineer and, in fact, began his broadcasting career at WRPM(FM) as a part-time announcer. None of these connections are said to be mentioned in Calandria's application. While the facts are said to be within the personal knowledge of Griffin and Calandria, these matters suggest to Tung Broadcasting that Griffin may be the real party in interest and that Calandria's application may have been filed at least for the incidental purpose of delaying or impeding the Tung Broadcasting application.

5. Calandria's answer to these allegations is that he was interested in applying for the channel 5 months before the Tung Broadcasting application was filed. This assertion, he states, is supported by

[1] Commissioners Bartley and H. Rex Lee dissenting; Commissioner Johnson absent.

[1] On Oct. 4, 1971, Tung Broadcasting Co. filed a supplement to petition to deny. The Commission's rules do not provide for the filing of such supplemental pleadings and in addition, Tung has failed to present any material allegations which warrant consideration in this order.

his request for FAA clearance 12 days before Tung Broadcasting filed. Attached to his pleading, Calandria included a copy of a letter from his consulting engineer regarding filing which was dated well before Tung Broadcasting filed, and a statement from Ben O. Griffin denying interest in Calandria's application.

6. In its response, Tung Broadcasting takes issue with the unexplained lateness of Calandria's answer and argues that this pleading should be disregarded. Although Calandria's answer was untimely filed, we have nonetheless decided to consider it on its merits, which Tung Broadcasting characterizes as incomplete and inadequate. Tung particularly points out that it had originally sought rule making to assign channel. 292 to Picayune and had indicated its intention to file an application at that time, so that Calandria's arguments concerning the strike application and real-party-in-interest questions should be considered to be totally unpersuasive.

7. In our view, Calandria has not resolved the questions raised by the pleadings. No attempt has been made to rebut the extent of Griffin's advertising efforts in Picayune or his cooperative efforts in connection with Calandria's application. The additional assertions regarding use of Griffin's drug store as a mailing address and his land for a transmitted site along with the help rendered by Griffin's daughter in connection with Calandria's survey do not appear consistent with ordinary expectations of how a licensee would treat a prospective competitor. While Calandria's interest in filing may have predated the Tung Broadcasting filing, it certainly did not predate their expression of interest in filing after having the channel assigned. The brief, incomplete, and unresponsive disclaimers provided by Griffin and Calandria are insufficient to resolve the matter. Serious questions remain which require the addition of issues in the hearing on these applications.

8. Tung Broadcasting proposes to duplicate the programing of its companion AM station approximately one-third of the time while Andres Calandria proposes independent operation. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programing is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits and detriments to be derived from the proposed duplicaplicate the programing of its companicant's program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury, 8 FCC 2d 360, FCC 67-614 (1967).

9. Both applicants have requested authority under § 73.210(a) (3) of the Commission's rules to locate their main studio outside the city limits of Picayune at their respective transmitter sites. These locations are easily accessible by highway and are not likely to diminish the ability of either station to operate as an effective outlet of local self-expression. Because Picayune is the only sizeable community in the area, there is no possibility of the proposed main studio locations contributing to a de facto reallocation of the stations. We therefore conclude that each applicant has demonstrated good cause to locate its main studio beyond the city limits of Picayune, Miss., in the event its application should be granted.

10. Since Federal Aviation Administration approval has not been obtained for Calandria's antenna structure, an air menace issue has been specified and the FAA has been made a party to this proceeding.

11. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

12. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the facts and circumstances regarding ownership and control of the Calandria proposal and whether Calandria is the sole party in interest.

2. To determine whether the Calandria proposal was filed with the principal or incidental purpose of impeding or delaying the Tung Broadcasting proposal.

3. To determine in light of the evidence adduced in response to the foregoing issues whether Calandria possesses the requisite legal qualifications to be a licensee of the Commission.

4. To determine whether there is a reasonable possibility that the tower height and location proposed by Calandria would constitute a manace to air navigation.

5. To determine which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

13. *It is further ordered,* That the "Petition to Deny" filed by Tung Broadcasting Co. is granted to the extent indicated and in all other respects is denied.

14. *It is further ordered,* That in the event either application is granted, Commission consent pursuant to § 73.210(a) (3) of the Commission's rules, to locate that station's main studio outside the city limits of Picayune, Miss., shall be granted.

15. *It is further ordered,* That the Federal Aviation Administration is made a party to this proceeding with respect to the Calandria application.

16. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants and the FAA, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

17. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 3, 1971.

Released: November 5, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-16520 Filed 11-10-71;8:52 am]

[Dockets Nos. 19336-19338; FCC 71-1112]

UNITED TELEVISION CO. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of revocation of license of United Television Co. of New Hampshire for television Station WMUR, Manchester, N.H., Docket No. 19336; in regard applications of United Television Co. of Eastern Maryland, Inc. for television Station WMET, Baltimore, Md., Docket No. 19337, File No. BRCT-635; for renewal of license KECC Television Corp. for license to cover construction permit (BPCT-3079) as modified, authorizing a new television station (KECC-TV) at El Centro, Calif., Docket No. 19338, File No. BLCT-2099.

1. We have before us for consideration (1) the above captioned applications and (2) the Commission's inquiry in Docket No. 18811.[1] The Commission's inquiry in Docket No. 18811 has raised serious questions as to the above licensees' and permittee's qualifications to remain as licensees and a permittee of this Commission.

2. In view of the evidence adduced in Docket No. 18811 concerning a "consultancy" agreement between Richard Eaton, president of United Broadcasting Co., Inc., the parent corporation of all of the above-listed corporations, and Carmine Patti, an employee of American Broadcasting Co., Inc., we are unable to

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[2] Commissioner Johnson absent.

[1] In Docket No. 18811, the Commission, pursuant to sections 403 and 409(1) of the Communications Act of 1934, as amended, instituted an inquiry to determine whether broadcast licensees or permittees, or any principal, agent, or employee thereof, made payments to employees or principals of networks for the purpose of obtaining affiliation with such networks. The Commission emphasized that any such payments raises questions as to the particular party's qualifications to remain a licensee or permittee of the Commission, FCC 70-267, released Mar. 16, 1970.

conclude that the grant of the captioned applications would serve the public interest. Accordingly, it is necessary to designate the applications for hearing.

3. Information relating to this consultancy has come to the attention of the Commission since the last renewal of license of WMUR–TV. This information raises serious questions as to the requisite qualifications of United Television Co. of New Hampshire. Accordingly, it is also necessary to designate the license of WMUR for a revocation hearing.

4. All of the questions raised in Docket No. 18811 deal with the actions of Richard Eaton. In view of this, we believe that the orderly dispatch of the Commission's business would be served by having all of the above-captioned matters heard at one time in a consolidated proceeding.[2]

5. *Accordingly, it is ordered,* That, pursuant to the provisions of section 312(a) (1) and (2) of the Communications Act of 1934, as amended, United Television Co. of New Hampshire is directed to show cause why an order revoking the license of Station WMUR, Manchester, N.H., should not be issued and to appear at a hearing to be held in Washington, D.C. at a time to be specified in a subsequent order.

6. *It is further ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications for licenses are designated for a hearing to be held in Washington, D.C. at a time to be specified in a subsequent order, upon the following issues:

1. To determine all of the facts and circumstances surrounding the payments made by Richard Eaton to a representative of the American Broadcasting Co. and the changes in WMUR–TV, KECC–TV, and WMET–TV affiliation agreements.

2. To determine in light of the evidence adduced pursuant to the above issue, whether the above-named licensees and permittee have the requisite qualifications to be licensees or a permittee of the Commission.

3. To determine in light of the evidence adduced pursuant to the above issues, whether a grant of the applications would serve the public interest, convenience and necessity.

7. *It is further ordered,* That the Commission's order (18 FCC 2d 363) designating the applications of United Television Co., Inc. (WFAN–TV), Washington, D.C. and United Broadcasting Co., Inc. (WOOK) (Docket Nos. 18559, et al.) is amended to provide that in the event it is found the applications should be granted, final action on such applications will be withheld until dispositive action is taken in the instant proceeding and that action in the instant proceeding shall be determinative as to the applications named above.

8. *It is further ordered,* That the Chief, Broadcast Bureau, is directed to serve upon the above-named licensees and permittee, within 60 days of the release of this order, a bill of particulars setting forth the basis for the adoption of hearing issue (1).

9. *It is further ordered,* That to avail themselves of the opportunity to be heard, each of the parties herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission with respect to that portion of the proceeding relating to the revocation of WMUR–TV.[3] With respect to the proceeding relating to the applications, the Broadcast Bureau shall proceed with the initial introduction of evidence with respect to issue (1) and the applicants shall have the burden of proof with respect to all the issues.

11. *It is further ordered,* That the renewal and license applicants shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner specified in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 28, 1971.

Released: November 4, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71–16517 Filed 11–10–71;8:52 am]

[2] The Commission's resolution of these issues will be binding on Richard Eaton and will be res judicata as to him and the licensees controlled by him.

[3] The renewal application of WMUR–TV is due to be filed January 3, 1972. When filed it shall be consolidated with this proceeding. Since revocation is a procedure for terminating an operation prior to the specified license term, there would be no point in pursuing that remedy once the specified term has expired. At that time the proper burden will be on WMUR–TV to show that renewal of its license for another term would be in the public interest and the revocation proceeding will be terminated. At that time the Broadcast Bureau will only have the burden of the initial introduction of evidence on issue (1) and WMUR–TV will have the burden of proof on all issues. Seaboard Broadcasting Corp., FCC 70–1245, released Dec. 1, 1970.

[4] Commissioner Reid not participating.

FEDERAL RESERVE SYSTEM

BRENTON BANKS, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

NOVEMBER 4, 1971.

Notice is hereby given that application has been made, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Brenton Banks, Inc., which is a bank holding company located in Des Moines, Iowa, for prior approval by the Board of Governors of the acquisition by applicant of 99 percent of the voting shares of Brenton Bank and Trust Co. of Cedar Rapids, Cedar Rapids, Iowa, a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Board of Governors of the Federal Reserve System, November 4, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71–16460 Filed 11–10–71;8:48 am]

FIRST NATIONAL CHARTER CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First National Charter Corp., Kansas City, Mo., for approval of acquisition of 80 percent or more of the voting shares of The North Side Bank, Jennings, Mo.

There has come before the Board of Governors, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First National Charter Corp., Kansas City, Mo., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The North Side Bank, Jennings, Mo. ("Bank").

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of

Finance for the State of Missouri, and requested his views and recommendation. The Commissioner responded that his office had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 8, 1971 (36 F.R. 18035), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant has five subsidiary banks with total deposits of $444.2 million, representing 3.9 percent of the total commercial bank deposits in the State, and is the fifth largest banking organization and bank holding company in Missouri. (All banking data are as of December 31, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board through September 30, 1971.)

Bank (deposits $31.6 million), located approximately 8 miles northwest of downtown St. Louis, is the second largest of three banks in Jennings, and the fifth largest of the 11 banks within its service area, which is approximated by the surrounding 30-square-mile area. Applicant's closest subsidiary (deposits $36.5 million) is located about 17 miles southwest of Bank, and neither it nor any other of Applicant's subsidiaries compete with Bank to any significant extent. Nor does it appear likely that such competition would develop in the future in light of the presence of numerous alternative banking sources, the distances separating Applicant's subsidiaries from Bank, and Missouri's restrictive branching law. On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

Considerations relating to the financial and managerial resources as they relate to applicant, its subsidiaries, and Bank are regarded as consistent with approval of the application. Considerations relating to the convenience and needs of the communities to be served lend weight in support of approval since affiliation with Applicant would enable Bank to expand its mortgage lending and trust services. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the record, that said application be and hereby is approved for the reasons summarized above, provided that the action so approved shall not be consummated (a) before the thirtieth calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] November 4, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-16461 Filed 11-10-71;8:41 am]

FIRST SECURITY NATIONAL CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the applications of First Security National Corp., Beaumont, Tex., for approval of acquisition of (1) 37.5 percent of the voting shares of Gateway National Bank of Beaumont, Beaumont; (2) 56.95 percent or more of the voting shares of Sour Lake State Bank, Sour Lake; (3) 51 percent or more of the voting shares of Peoples State Bank of Kountze, Kountze; (4) 24 percent of the voting shares of The Village State Bank, Beaumont, all of Texas.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), applications by First Security National Corp., Beaumont, Tex., for the Board's prior approval of the acquisition through merger with its affiliate First Beaumont Corp. ("First Beaumont") of (1) 37.5 percent of the voting shares of Gateway National Bank of Beaumont ("Gateway"); (2) 56.95 percent or more of the voting shares of Sour Lake State Bank, Sour Lake ("Sour Lake"); (3) 51 percent or more of the voting shares of Peoples State Bank of Kountze ("Peoples Bank"); (4) 24 percent of the voting shares of The Village State Bank, Beaumont ("Village Bank"), all of Texas.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the applications to the Comptroller of the Currency and the Texas Commissioner of Banking and requested their views and recommendations. Both recommended approval of the applications.

Notices of receipt of the applications were published in the FEDERAL REGISTER on July 23, 1971 (36 F.R. 13709) and August 3, 1971 (36 F.R. 14283), providing an opportunity for interested persons to submit comments and views with respect to the proposals. Copies of the applications were forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the applications in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisitions on competition, the financial and managerial resources and future prospects of the applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, a one bank holding company by virtue of its ownership of First Security National Bank ("First Bank"), Beaumont, Tex. ($138.8 million in deposits) is the largest banking organization in the Beaumont banking market controlling approximately 24.4 percent of deposits in that area and 0.5 percent of the commercial bank deposits in the State. (All banking data are as of December 31, 1970 and reflect holding company formations and acquisitions approved through September 30, 1971.) Consummation of applicant's proposals will increase its share of the Beaumont banking market by approximately 3 percent to 27.4 percent of commercial bank deposits in the area and will have no meaningful effect on concentration of bank resources in the State.

Applicant proposes to restructure its existing multicorporate organization by means of a merger with its affiliate, Frist Beaumont and, as an incident to the merger, to acquire the voting shares of Gateway, Sour Lake, Peoples, and Village banks presently held by First Beaumont.[1] In addition, applicant proposes to acquire additional shares of Sour Lakes and Peoples Bank held by two corporations organized by applicant's management in 1967 and 1968 to hold stock of the respective banks and will make an equal offer to remaining shareholders of those banks. The stock of applicant and its affiliate First Beaumont is "stapled" and the two corporations have identical stockholders, officers and directors. Since the stock of these banks is held by applicant's "stapled" affiliate and two associated corporations, the Board views acquisition of stock owned by the affiliate as neither an expansion of the group nor an increase in the banking resources controlled by applicant.

Gateway Bank ($9.7 million in deposits), 15th largest of 19 banks in the Beaumont banking market, located approximately 3 miles west of First Bank, was organized in 1959 by individuals associated with First Bank and has been continuously associated with that bank through First Beaumont since that time.

Village Bank ($7.3 million in deposits), 17th largest of 19 banks in the Beaumont banking market, located approximately 4.5 miles northwest of First Bank, was organized in 1960 by individuals associated with that bank. These banks have operated on a cooperative basis through First Beaumont since 1960.

Sour Lake Bank ($5 million in deposits), the third largest of four banks in

[1] Voting for this action: Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governor Robertson.

[1] Applicant plans to dispose of First Beaumont's present interest in Lamar State Bank, Beaumont, Tex., soon after consummation of the present proposal.

Harden County, controlling approximately 20 percent of area deposits, is located 19 miles west of First Bank. A majority of the voting shares of Sour Lake Bank was acquired in 1967 by First Beaumont and a corporation organized by persons associated with First Bank for the purpose of holding shares in the bank.

Peoples Bank ($3.2 million in deposits), smallest of four banks in Harden County, is located 25 miles northwest of First Bank and controls approximately 12.6 percent of commercial bank deposits in that area. A majority of the voting shares of Peoples Bank was acquired in 1968 by First Beaumont and a corporation organized by persons associated with First Bank for the purpose of holding shares in the bank.

Although some service overlap exists among applicant's present banking subsidiary and the four proposed subsidiary banks, it appears that insofar as Gateway Bank and Village Bank, the proposed transaction is essentially a corporate reorganization of established interests and relationship. Insofar as Sour Lake Bank and Peoples Bank, since the banks are small and there appears to be little likelihood of discontinuance of the present relationship, no meaningful existing or potential competition would be eliminated or foreclosed by consummation of applicant's proposed acquisitions.

On the basis of the record before it, the Board concludes that consummation of applicant's proposals would not have significant adverse effects on competition in any relevant area. Considerations relating to financial and managerial resources and prospects as they relate to applicant, First Bank and the four proposed subsidiary banks are consistent with approval of the applications. Although applicant proposes no significant changes in services to the public as a result of the proposed acquisitions, the convenience and needs of the communities involved should benefit from the improved economies and efficiencies of operation expected to result from the proposed restructuring of applicant into a coordinated multibank holding company organization. Convenience and needs considerations are therefore consistent with approval. It is the Board's judgment that the proposed transactions would be in the public interest and that the applications should be approved.

It is hereby ordered, On the basis of the record, that said applications be and hereby are approved for the reasons summarized above, provided that the acquisitions so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

It is further ordered, That upon the consummation of the proposed transaction, applicant shall not retain or acquire any nonbank shares or engage in any nonbanking activities to a greater extent or for a longer period than would apply in the case of a bank holding company which became such on the date of such consummation, except to the extent otherwise permitted in any regulation of the Board hereafter adopted specifically relating to the effect of the acquisition of an additional bank on the status of nonbank shares and activities of a one bank holding company formed prior to 1971, or unless the Board fails to adopt any such regulation before the expiration of 2 years after the consummation of the proposed acquisition.

By order of the Board of Governors,[2] November 4, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-16462 Filed 11-10-71;8:48 am]

GRAND BANKS CORP.

Order Denying Action To Become a Bank Holding Company

In the matter of the application of The Grand Banks Corp., Milwaukee, Wis., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Bank of North Lake, North Lake, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by The Grand Banks Corp., Milwaukee, Wis., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Bank of North Lake, North Lake, Wis. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Wisconsin Commissioner of Banking and requested his views and recommendation. The Deputy Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 17, 1971 (36 F.R. 13300), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, On the basis of the record, that said application be and hereby is denied for the reasons set forth in the Board's statement[1] of this date.

By order of the Board of Governors,[2] November 4, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-16463 Filed 11-10-71;8:48 am]

MARSHALL & ILSLEY BANK STOCK CORP.

Proposed Acquisition of First National Leasing Corp.

Marshall & Ilsley Bank Stock Corp., Milwaukee, Wis., a bank holding company, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(a)(8)) and § 222.4 (b)(2) of the Board's Regulation Y, for permission to acquire voting shares of First National Leasing Corp., Milwaukee, Wis. Notice of the application was published on September 13, 1971, in The Daily Reporter, a newspaper circulated in Milwaukee, Wis.

Applicant states that the proposed subsidiary would engage in the activity of leasing equipment to business and manufacturing customers on a noncancelable, full-payout basis. Such activity has been specified by the Board in § 222.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 222.4(b).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 6, 1971.

Board of Governors of the Federal Reserve System, November 4, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-16466 Filed 11-10-71;8:48 am]

[2] Voting for this action: Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governor Robertson.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago. Dissenting Statement of Governor Maisel filed as part of the original document and available upon request.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, and Sherrill. Voting against this action: Governors Daane and Maisel. Absent and not voting: Chairman Burns.

PERRY COUNTY BANK

Order Approving Application for Merger of Banks Under Bank Merger Act

In the matter of the application of The Perry County Bank, New Lexington, Ohio, for approval to merge with The Peoples Bank, Thornville, Ohio.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by The Perry County Bank ("Applicant"), New Lexington (population 4,877), Ohio, a member State bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with The Peoples Bank, Thornville (population 679), Ohio ("Thornville Bank"), under the charter and title of Applicant. As an incident to the merger the sole office of Thornville Bank would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

In accordance with the Act, the Board requested reports on the competitive factors involved from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and prospects of the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, a subsidiary of BancOhio Corp., Columbus, Ohio ("BancOhio"), is a unit bank with deposits of $8.2 million. (All banking data are as of December 31, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board through September 30, 1971.) BancOhio is the second largest banking organization in Ohio with 28 subsidiary banks holding aggregate deposits in excess of $1.5 billion, representing 7.2 percent of State commercial bank deposits. Thornville Bank, with deposits of $5.0 million, is located 18 miles northwest of Applicant. Although Applicant and Thornville Bank are both located in Perry County, there is little existing competition between them because they serve essentially separate banking markets. However, within a radius of 10 miles from Thornville Bank, there are three branches of BancOhio subsidiaries which compete to some extent with Thornville Bank. They are the Buckeye Lake office of The First National Bank of Newark (located 6 miles northwest of Thornville), and the Pleasantville and Baltimore offices of The Hocking Valley National Bank of Lancaster (located within Fairfield County, 8 miles southwest and 10 miles west of Thornville, respectively).

Thornville Bank is located at the periphery of the Newark banking market, the relevant market, which is approximated by Licking County and the extreme northwestern section of Perry County. The First National Bank of Newark, with six offices, all located in Licking County, and total deposits of $44.6 million, has the second largest share (23.7 percent) of commercial bank deposits within the relevant market. Thornville Bank has 2.7 percent of market deposits; approval of the application will increase BancOhio's share of market deposits to 26.3 percent and it would remain the second largest banking organization in the market.

BancOhio subsidiaries hold at least 20 percent of commercial bank deposits in areas contiguous to the relevant market in Fairfield County, in Muskingum County, and in Perry County. In addition, BancOhio subsidiaries hold approximately 42 percent of commercial bank deposits in an eight county area surrounding Columbus, Ohio, and may be considered the dominant banking organization in central Ohio. Because of the increased concentration within the relevant market and the substantial shares held by BancOhio subsidiaries in nearby markets, the Board concludes that the proposed merger would have an adverse effect on competition. However, the Board is required to consider whether other aspects of the instant proposal are such that approval would be in the public interest despite the adverse competitive finding.

The Thornville Bank has serious management problems. Despite efforts to recruit successor management, Thornville Bank has been without a chief executive officer of its own since early 1970. It has relied on management assistance provided by BancOhio since April, 1970. Prior to seeking management assistance from BancOhio, Thornville Bank had had severe management problems which had left bank in a weakened financial condition. The bank's condition improved only with BancOhio's assistance. Since Ohio law permits only county-wide branching, merger with a bank outside Perry County is not feasible. Because of the relatively small size of all other banks located within Perry County, a merger with any of these banks would not appear to be the solution to Thornville Bank's management problems. Acquisition by a holding company other than BancOhio might alleviate Thornville Bank's management problems, but other holding companies in the area contacted by Thornville Bank expressed no interest in acquiring the bank.

In the light of Thornville Bank's prior difficulty in securing a chief executive officer on its own, there is no assurance that capable management can be attracted to the bank in the absence of approval of the proposed transaction. Consequently, the Board has concluded that the financial and managerial factors lend substantial weight for approval. Since approval of the proposed transaction appears the only method whereby the continued existence of banking facilities in Thornville can be assured, the convenience and needs of the community outweigh the adverse competitive consequences of this proposed merger. Based upon the foregoing, it is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

It is hereby ordered, on the basis of the findings summarized, above, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] November 4, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-16464 Filed 11-10-71;8:48 am]

SHOREBANK, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Shorebank, Inc., Quincy, Mass., for approval of acquisition of 80 percent or more of the voting shares of Attleboro Trust Co., Attleboro, Mass.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Shorebank, Inc., Quincy, Mass., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Attleboro Trust Co., Attleboro, Mass. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Massachusetts Commissioner of Banks and requested his views and recommendation. The Commissioner offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 8, 1971 (36 F.R. 18037), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant controls South Shore National Bank, Quincy, Mass. ($167.1 million in deposits) and, thus, is the ninth

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governor Sherrill.

largest banking organization in Massachusetts, controlling 1.5 percent of the State's total deposits. Bank ($23.9 million in deposits) is the fourth largest of 17 banking organizations in the Attleboro area (approximated by the 12 townships in Massachusetts northeast of Providence, R.I.). Affiliation with applicant should enhance Bank's ability to compete with the larger organizations in the area, the two largest of which control over 55 percent of area deposits. At the same time, consummation of the proposal would contribute to applicant's emergence as a significant competitor on the statewide level with the larger Boston-based organizations; the five largest such organizations control 63.8 percent of the State's total deposits. Although applicant's lead bank has two branches within 9 miles of an office of Bank, the competitive overlap is not considered significant, and intervening banking alternatives are present. Thus, little existing competition would be eliminated by consummation of the proposal. In view of the number of intervening banks, Massachusetts' restrictions on branches, and other facts of record, it appears unlikely that significant potential competition would be eliminated.

Applicant plans to assist Bank in offering specialized services such as leasing, international banking, and trust services. Therefore, considerations relating to the convenience and needs of the community to be served lends some support for approval.

The financial and managerial resources and future prospects of applicant, of applicant's lead bank, and of Bank are satisfactory and consistent with approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the record, that said application be and hereby is approved for the reasons summarized above, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

It is further ordered, That upon the consummation of the proposed transaction, applicant shall not retain or acquire any nonbank shares or engage in any nonbanking activities to a greater extent or for a longer period than would apply in the case of a bank holding company which became such on the date of such consummation, except to the extent otherwise permitted in any regulation of the Board hereafter adopted specifically relating to the effect of the acquisition of an additional bank on the status of nonbank shares and activities of a one bank holding company formed prior to 1971, or unless the Board fails to adopt any such regulation before the expiration of 2 years after the consummation of the proposed acquisition.

By order of the Board of Governors,[1] November 4, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-16465 Filed 11-10-71;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1995]

CITIZENS INVESTMENT FUND

Notice of Application for Order of the Act Declaring Company Has Ceased To Be an Investment Company

NOVEMBER 5, 1971.

Notice is hereby given that Citizens Investment Fund (Applicant), 1 Northwest Highway, Park Ridge, IL 60068, an Illinois corporation registered as a diversified open-end management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment ocmpany as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations as set forth therein, which are summarized below.

Applicant registered under the Act on January 5, 1970, by filing a notification or registration on Form N-8A. On February 11, 1970, the fund filed with the Commission a registration statement on Form N-8B-1, and on the same date a registration statement on Form S-5 was filed with the Commission under the Securities Act of 1933.

Applicant abandoned its intended public offering of its units because of the decision of the U.S. Supreme Court in "Investment Company Institute v. Camp.", 401 U.S. 617 (1971), which held that the operation of a fund such as Applicant for the collective investment of funds held by a national bank as managing agent would be illegal under the certain provisions of the Federal banking laws.

Applicant represents that it has assets of $50 and one investor, and that no public offering or sale of its investment units has been made or is intended to be made. Applicant has also filed an amendment to its registration statement under the Securities Act of 1933 reducing the number of investment units registered thereby, and has requested withdrawal of its registration statement pursuant to Rule 477 under the Securities Act of 1933.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 26, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in such application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the division of corporate regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-16456 Filed 11-10-71;8:47 am]

[File No. 1-4847]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

NOVEMBER 5, 1971.

The common stock, 2-cent par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corporation being traded otherwise than on a national securities exchange; and

[1] Voting for this action: Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governor Robertson.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 5, 1971 through November 14, 1971.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-16457 Filed 11-10-71;8:47 am]

[70-5096; 37-63]

MIDDLE SOUTH UTILITIES, INC. AND MIDDLE SOUTH SERVICES, INC.

Notice of Proposed Increase in Notes Which May Be Issued and Sold by Service Company and Acquired by Holding Company

NOVEMBER 5, 1971.

Notice is hereby given that Middle South Services, Inc. (Services), 225 Baronne Street, New Orleans, LA 70160, a subsidiary service company of Middle South Utilities, Inc. (Middle South), 280 Park Avenue, New York, NY 10017, a registered holding company, have filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 (Act) designating sections 6(a), 7, 9(a), 10, 12, and 13(b) of the Act and Rules 40(b), 42(b)(2) and 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders dated March 6, 1963, April 24, 1968, and March 19, 1971 (Holding Company Act Release Nos. 14816, 16944, and 17056) the Commission, among other things, authorized Services to issue and sell to Middle South for cash, and Middle South to acquire up to $5,100,000 aggregate principal amount of its subordinated long-term unsecured notes to be outstanding at any one time.

Services anticipates expansion of its electronic data processing functions, personnel and facilities. In order to provide for such services, it now proposes to issue and sell to Middle South for cash, and Middle South to acquire, during a 5-year period commencing with the date the proposed transactions are authorized, its unsecured subordinated long-term notes of up to $1 million principal amount. The additional notes will mature within 25 years, will be prepayable without penalty, and will bear interest at the prevailing prime rate, adjusted monthly.

The pro forma capitalization and surplus of Services would consist of $6,400,000 principal amount of bank notes (51 percent) heretofore authorized (Holding Company Act Release No. 17056), and $6,100,000 principal amount of subordinated notes to Middle South plus $20,000 of common stock (49 percent). The issue and sale of the proposed additional notes to Middle South is to be made in such manner so that the aggregate capital of Services, including its outstanding notes and capital stock, will be maintained at all times at an amount approximately equal to the sum of 2 months' operating expenses and the depreciated cost of Services' fixed assets, including prepayment and petty cash working funds, less any unpaid indebtedness for funds borrowed from sources other than associate companies for the acquisition of fixed assets.

It is stated that no fees and expenses are to be paid by Services or Middle South in connection with the proposed transactions. It is also stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 29, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-16458 Filed 11-10-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Notice 90]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 5, 1971.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 111 (Sub-No. 10), filed October 4, 1971. Applicant: VIGEANT MOTOR FREIGHT, INC., Post Office Box 157, Castleton-on-Hudson, NY 12033. Applicant's representative: Wilmot E. James, Jr., Post Office Box 1319, Albany, NY 12201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceutical products* (except in bulk), from Chicago, Ill., to Lenexa, Kans., Mesquite, Tex.; Seattle, Wash.; and Los Angeles, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Plattsburgh or Albany, N.Y.

No. MC 4943 (Sub-No. 33), filed October 15, 1971. Applicant: CENTRAL EXPRESS INC., 303 South 12th Street, (Post Office Box 238), Waco, TX 76703. Applicant's representative: Phillip Robinson, Post Office Box 2207, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), between junction U.S. Highway 87 and Texas Highway 35 and junction Texas Highway 35 and Texas Highway 185, as follows: From junction U.S. Highway 85 and Texas Highway 35, over Texas Highway 35 to junction Texas Highways 35 and 185, and return over the same route, serving no intermediate points as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Houston, or San Antonio, Tex.

No. MC 8948 (Sub-No. 98), filed October 12, 1971. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, CA 90058. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Oklahoma City, Okla., and Memphis, Tenn., over Interstate Highway 40 (including temporary Interstate Highway 40), as an alternate route for operating convenience only in connection with applicant's presently authorized regular route authority, restricted against the transportation of traffic originating at, destined to, or interlined at any point in Oklahoma or Texas, other than El Paso, Tex. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 18088 (Sub-No. 54), filed October 12, 1971. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, AL 35149. Applicant's representatives: Paul M. Daniell and Alan E. Serby, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* with usual exceptions, serving points within a 15 mile radius of Atlanta, Ga., as off-route points in connection with carrier's otherwise authorized regular routes; or, in the alternative, serving an area within approximately 15 miles of Atlanta as off-route points in connection with carrier's otherwise authorized regular routes, as follows: All points lying on and within the area embraced by a line beginning at Dallas, Ga., and the junction of Georgia Highway 92 Spur and U.S. Highway 278, thence over Georgia Highway 92 Spur and Georgia Highway 92 in a southerly direction to junction Georgia Highway 54 at or near Fayetteville, Ga., thence over Georgia Highway 54 to junction Georgia Highway 138 at or near Jonesboro, Ga., thence over Georgia Highway 138 to junction Georgia Highway 81 at or near Walnut Grove, Ga., thence over Georgia Highway 81 to junction Georgia Highway 20 near Loganville, Ga., thence over Georgia Highway 20 to Lawrenceville, Ga., thence over Georgia Highway 120 to Alpharetta, Ga., thence over an unnumbered highway westerly to junction Georgia Highway 92 near Mountain Park, Ga., thence over Georgia Highway 92 to junction Georgia Highway 92 Spur at or near New Hope, Ga., thence over Georgia Highway 92 Spur to the point of beginning, restricted against the transportation of traffic, direct or interline, between Atlanta, on the one hand, and, on the other, the points named herein. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 26739 (Sub-No. 70), filed October 6, 1971. Applicant: CROUCH BROS., INC., Elwood, KS, Post Office Box 1059. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber pneumatic tires, tubes, and tread rubber*, from the plantsite of the Goodyear Tire & Rubber Co., located at Topeka, Kans., to LeRoy, Austin, and Albert Lea, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 29120 (Sub-No. 130), filed October 4, 1971. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, SD 57101. Applicant's representative: Carl L. Steiner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) from Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80; thence over Interstate Highway 80 to junction Interstate Highway 80N; thence over Interstate Highway 80N to junction Interstate Highway 29; thence over Interstate Highway 29 to Omaha, Nebr., and return over the same route; (b) from Chicago, Ill., over Interstate Highway 57 to junction Interstate Highway 80; thence over Interstate Highway 80 to junction Interstate Highway 80N; thence over Interstate Highway 80N to junction Interstate Highway 29; thence over Interstate Highway 29 to Omaha, Nebr. and return over the same route. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 372), filed October 13, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Cheriton, Va., to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Texas, West Virginia and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 35320 (Sub-No. 129), filed October 6, 1971. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, Post Office Box 2550, Lubbock, TX 79408. Applicant's representative: Frank M. Garrison, Post Office Box 2550, Lubbock, TX 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Textile and textile products and machinery, machinery parts, equipment, materials and supplies,*

used in or in connection with the operation of textile mills and warehouses (except commodities the transportation of which because of size or weight, require the use of special equipment for the transportation thereof), serving the plantsite and storage facilities of Monsanto Co. at or near Sand Mountain, Marshall County, Ala., as an off-route point in connection with applicant's presently held authority to serve Chattanooga, Tenn. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Memphis, Tenn.

No. MC 35320 (Sub-No. 130), filed October 1, 1971. Applicant: T.I.M.E.-DC, INC., 2598 74th Street (Post Office Box 2550), Lubbock, TX 79408. Applicant's representative: Frank M. Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives and ammunition and components parts of ammunition, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Dallas and Odessa, Tex.; from Dallas over U.S. Highway 80 (also Interstate Highway 20 as completed), to Odessa, Tex., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in conjunction with carrier's otherwise authorized routes, restricted to the transportation of traffic moving to, from, or through El Paso, Tex. NOTE: Common control may be involved. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 35628 (Sub-No. 323), filed October 4, 1971. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville, Southwest, Grand Rapids, MI 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *foodstuffs* when being transported with the above commodities (except hides and commodities in bulk), from the plantsite and/or storage facilities of Wilson Certified Foods, Inc., at or near Oklahoma City, Okla., to points in Kansas, Missouri, and Nebraska, restricted to traffic originating at said plantsite and/or storage facilities and destined to the above-named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 42487 (Sub-No. 776), filed October 1, 1971. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION, OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: Robert M. Bowden, Post Office Box 3062, Portland, OR 97208. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, motor vehicles, livestock, commodities requiring special equipment) and commodities in vehicles equipped with mechanical refrigeration, serving only those intermediate points specifically named below, as alternate routes in connection with carriers presently authorized regular-route operations. (1) between San Luis Obispo and Salinas, Calif., serving the intermediate junctions of U.S. Highway 101 and California State Highway 58, U.S. Highway 101 and California State Highway 41, U.S. Highway 101 and California State Highway 46 and U.S. Highway 101 and California State Highway 198, for the purpose of joinder only: From San Luis Obispo, over U.S. Highway 101 to Salinas and return over the same route; (2) between the junction of California State Highways 246 and 154, at or near Santa Ynez, Calif., and the junction of California State Highway 1 and California State Highway 246, at or near Lompoc, Calif., serving the intermediate junctions of U.S. Highway 101 and California State Highway 246 for the purpose of joinder only. From the junction of California State Highways 246 and 154, over California State Highway 246 to its junction with California State Highway 1 and return over the same route;

(3) Between the junction of U.S. Highway 101 and California State Highway 154, approximately 5 miles north of Buellton, Calif., and the junction of California State Highway 154 and combined California State Highway 1 and U.S. Highway 101 at or near Goleta, Calif., serving the intermediate junction of California State Highways 154 and 246 for the purpose of joinder only. From the junction of U.S. Highway 101 and California State Highway 154, over California State Highway 154 to its junction with combined California State Highway 1 and U.S. Highway 101 and return over the same route; (4) between the junction of U.S. Highway 101 and California State Highway 135, at or near Los Alamos, Calif., and the junction of California State Highway 135 and California State Highway 1, serving no intermediate points. From the junction of California State Highway 135 and U.S. Highway 101 over California State Highway 135 to its junction with California State Highway 1 and return over the same route; (5) between Santa Maria, Calif., and the junction of California State Highway 1 and California State Highway 135, serving no intermediate points. From Santa Maria over California State Highway 135 to its junction with California State Highway 1 at or near Orcutt, Calif., and return over the same route; (6) between Santa Maria, Calif., and the junction of California State Highway 166 and California State Highway 1, serving no intermediate points. From Santa Maria over California State Highway 166 to its junction with California State Highway 1, at or near Gaudalupe, Calif., and return over the same route. Routes described in (2), (3), (4), and (5) above are in connection with carriers authorized service route between Las Cruces and Pismo Beach, Calif., over California State Highway 1, with off route service authorized at Vandenburg Air Force Base;

(7) Between junction of California State Highway 166 and U.S. Highway 101 and junction California State Highway 166 and California State Highway 33, at or near Maricopa, Calif., serving no intermediate points. From the junction of California State Highway 166 and U.S. Highway 101 over California State Highway 166 to its junction with California State Highway 33, at or near Maricopa and return over the same route; (8) between Ventura, Calif., and the junction of California State Highway 33 with California State Highway 166, serving no intermediate points. From Ventura over California State Highway 33 to its junction with California State Highway 166 and return over the same route; (9) between the junction of California State Highway 58 and U.S. Highway 101, at or near Santa Margarita, Calif., and the junction of California State Highways 58 and 33, at or near McKittrick, Calif., serving no intermediate points. From the junction of California State Highway 58 and U.S. Highway 101 over California State Highway 58 to its junction with California State Highway 33 and return over the same route; (10) between the junction of California State Highway 46 and U.S. Highway 101 and the junction of California Highways 46 and 33 serving no intermediate points. From the junction of California Highway 46 and U.S. Highway 101 over California Highway 46 to its junction with California State Highway 33 and return over the same route;

(11) Between the junction of California State Highway 41 and U.S. Highway 101 and the junction of California State Highway 41 and U.S. Highway 99, at Fresno, Calif., serving the intermediate junctions of California State Highways 41 and 33 and California State Highways 41 and 198 for the purpose of joinder only. From the junction of California State Highway 41 and U.S. Highway 101 over California State Highway 41 to its junction with U.S. Highway 99 and return over the same route; (12) between the junction of California State Highway 198 and U.S. Highway 101, at or near San Lucas, Calif., and the junction of California State Highways 198 and 33, at or near Coalinga, Calif., serving no intermediate points. From the junction of California State Highway 198 and U.S. Highway 101 over California State Highway 196 to its junction with California State Highway 33 and return over the same route, and (13) between the junction of California State Highways 198 and 33 and the junction of California State Highway 198 and U.S. Highway 99, at or near Hanford, Calif., serving the intermediate junction of California Highways 198 and 33 for the purpose of joinder only. From

the junction of California State Highways 198 and 33 over California State Highway 198 to its junction with U.S. Highway 99 and return over the same route. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 47109 (Sub-No. 7) (Correction), filed August 25, 1971, published in the FEDERAL REGISTER issue of October 15, 1971, and republished in part, as corrected this issue. Applicant: SULLIVAN LINES, INC., 250 Fulton Avenue, Garden City Park, NY 11040. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. The purpose of this partial republication is to include Spokane, Wash., to the radial territory in part (1), which point was inadvertently omitted in the previous publication. The rest of the application remains as previously published.

No. MC 48958 (Sub-No. 113), filed October 14, 1971. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, CO 80216. Applicant's representative: Morris G. Cobb, Post Office Box 9050 (601 Ross Street), Amarillo, TX 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Denver, Colo., and Barstow, Calif.; from Denver over U.S. Highways 40 and 6 (Interstate Highway 70) to Idaho Springs, Colo., thence over U.S. Highway 6 (Interstate Highway 70) to Green River, Utah, thence over Interstate Highway 70 (Utah Highway 4 and U.S. Highway 89) to junction of Interstate Highway 70 (Utah Highway 4) with U.S. Highway 91 (Interstate Highway 15) at or near Cove Fort, Utah, thence over U.S. Highway 91 (Interstate Highway 15) to Barstow, Calif., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 50069 (Sub-No. 448), filed October 7, 1971. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon (Toledo), OH 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum and petroleum products*, in bulk, in tank vehicles, from Hamilton, Ohio, to points in Ohio, Michigan, Indiana, Illinois, Kentucky, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 59640 (Sub-No. 26), filed October 8, 1971. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment materials and supplies* used in the conduct of such business, between Woodbridge Township and Cranford, N.J., on the one hand, and, on the other, points in Dauphin, Montgomery, Cumberland and York Counties, Pa. Restriction: The authority sought herein is limited to a transportation service to be performed under a continuing contract, or contracts, with Supermarkets General Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 69116 (Sub-No. 141), filed October 8, 1971. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), serving the plantsite of PPG Industries, Inc., located near Mount Holly Springs, Pa., as an off-route point in connection with applicant's presently authorized regular-route operations. NOTE: If a hearing is deemed necessary applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 73165 (Sub-No. 305), filed October 13, 1971. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe, fittings, valves, hydrants, gaskets and accessories*, from Holt, Ala., to points in the United States (except Alaska and Hawaii) and (2) *materials, supplies and equipment* used in the operations of a foundry, from points in the United States (except Alaska and Hawaii) to Holt, Ala. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 82841 (Sub-No. 85), filed October 1, 1971. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated plastic products, millwork, hardware, and related accessories*, from Holstein, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it held at Omaha, Nebr.

No. MC 83835 (Sub-No. 84), filed September 29, 1971. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, (1) *Electrostatic precipitators and electrostatic precipitator parts*, and (2) *steel siding and roofing, and materials and supplies* moving in connection therewith, from Warrenton, Mo., to points in the United States (except Alaska, Missouri, and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 88161 (Sub-No. 84), filed October 6, 1971. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle, WA 98108. Applicant's representative: Stephen A. Cole (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, dust oil, road oil, and residual fuel oil*, in bulk, in tank vehicles, from Spokane, Wash., to points in that part of Idaho in and north of the southern boundary of Idaho County. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 128203 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Spokane or Seattle, Wash.

No. MC 93393 (Sub-No. 16), filed October 13, 1971. Applicant: NIGHTWAY TRANSPORTATION CO., INC., 4108 South Emerald Avenue, Chicago, IL. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, from Champaign, Ill., to points in

Indiana, Kentucky, and Ohio. Restriction: Restricted to the transportation of traffic originating at Champaign, Ill., and destined to Indiana, Kentucky, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 94350 (Sub-No. 296), filed October 4, 1971. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road at Transit Drive, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Izard County, Ark., to points in Texas, Oklahoma, Missouri, Kansas, Louisiana, New Mexico, Illinois, Tennessee, Mississippi, and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 95540 (Sub-No. 822), filed September 24, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and storage facilities of Chef-Pierre, Inc., located at or near Traverse City, Mich., to points in Louisiana, Arkansas, Missouri, Illinois, Indiana, Iowa, Pennsylvania, New Jersey, New York, Connecticut, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Delaware, Maryland, Massachusetts, Vermont, New Hampshire, Rhode Island, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 96498 (Sub-No. 33), filed October 1, 1971. Applicant: BONIFIELD BROS. TRUCK LINES, INC., Post Office Box 40, West Frankfort, IL 62896. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, MO 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Smithland Locks jobsite at Dog Island, Ky., as an off-route point in connection with applicant's regular route between Paducah, Ky., and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 97874 (Sub-No. 2) (Amendment), filed July 28, 1971, published in the FEDERAL REGISTER issue of September 2, 1971, and republished as amended this issue. Applicant: WINTER BROS., INC., 1840 R Street, Lincoln, NE 68508. Applicant's representative: J. Max Harding, Post Office Box 82028, 605 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading. Regular route operations: Between Omaha and Lincoln, Nebr., over U.S. Highway 6, serving no intermediate points. Irregular route operations: Between points within a 30-mile radius of Seward, Nebr., and between points within said radial area, on the one hand, and, on the other, points in Nebraska within a 250 mile radius of Seward, Nebr. NOTE: The purpose of this republication is to broaden the scope of authority sought and to convert the certificate of registration held by the carrier in MC 97874 (Sub-No. 1) to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 99334 (Sub-No. 4), filed October 12, 1971. Applicant: TARHEEL EXPRESS, INC., Post Office Box 1177, Hickory, NC 28601. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and furniture parts, new*, between points in Iredell County, N.C., and points in North Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh or Charlotte, N.C.

No. MC 102616 (Sub-No. 866), filed October 12, 1971. Applicant: COASTAL TANK LINES, INC., Post Office Box 7211, 215 East Waterloo Road, Akron, OH 44319. Applicant's representative: Harold G. Hernly, Jr., 2030 North Adams Street, Suite 510, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, in tank vehicles, from sites of Bulk Distribution Centers, Inc., at or near Cleveland, Ohio, to points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia, restricted to movement having prior movement by rail. NOTE: Applicant states it can tack the proposed authority to the existing authority to serve points beyond the proposed destination territories but no tacking is intended. Persons interested in the tacking possibilities are cautioned that failure to oppose application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105457 (Sub-No. 74), filed October 14, 1971. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Road, Post Office Box 10638, Charlotte, NC 28201. Applicant's representative: Everett Hutchinson, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, with the usual exceptions, serving the plantsite and storage facilities of Monsanto Co. located at Sand Mountain, Marshall County, Ala., as an off-route point in connection with carrier's regular route authority between Greenville, S.C., and Memphis, Tenn., as authorized in MC 105457 Sub 44. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 106398 (Sub-No. 561), filed October 18, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements and *buildings*, in sections, mounted on wheeled undercarriages, from points in El Paso County, Colo., to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 106433 (Sub-No. 5), filed October 12, 1971. Applicant: ANTRIM TRANSPORTATION CO., INC., 7011 Suffern Place, Suffern, NY 10901. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, and (2) *materials and supplies* used in the manufacture of malt beverages (except in bulk, in tank vehicles), between Fogelsville, Pa., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Rhode Island, and Vermont. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 106497 (Sub-No. 61), filed October 7, 1971. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912, Joplin, MO 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing*, between points in California, on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, or Los Angeles, Calif.

No. MC 107012 (Sub-No. 130), filed October 4, 1971. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering, carpet, and carpet pads or cushions*, uncrated, from Columbus, Miss., to points in Arkansas. NOTE: Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107012 (Sub-No. 131), filed October 6, 1971. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis, Post Office Box 988, Fort Wayne, IN 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering and carpeting*, uncrated, from Greenville and York, S.C.; Athens and Ringgold, Ga., and Laurel Hills, N.C., to West Haven, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107012 (Sub-No. 132), filed October 7, 1971. Applicant: NORTH AMERICAN VAN LINES, INC., New Haven Avenue and Meyer Road, Post Office Box 988), Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transportation seats and parts thereof*, from Menominee, Mich., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 781), filed October 14, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff* (except in bulk), from points in Adair County, Okla., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee (except Memphis, Tenn., and points in its commercial zone), Kentucky, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 108473 (Sub-No. 34), filed October 14, 1971. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, VT 05819. Applicant's representative: Francis E. Barrett, 60 Adams Street, Milton, MA 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hartford, Conn., and Newburgh, N.Y., from Hartford, Conn., over Interstate Highway 84 to Newburgh, N.Y., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Boston, Mass.

No. MC 108835 (Sub-No. 19), filed October 18, 1971. Applicant: HYMAN FREIGHTWAYS, INC., 2690 Prior Avenue North, St. Paul, MN 55113. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, high explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving LeSueur, Mankato, Fairmont, Jackson, Worthington, Windom, St. James, and Luverne, Minn., as intermediate or off-route points in connection with presently authorized regular route authority under MC 108835 authorizing operations between LeSueur, Mankato, Fairmont, Jackson, Worthington, Windom, St. James, and Luverne, Minn., and Minneapolis-St. Paul (the Twin Cities). Applicant states it now provides service between LeSueur, Mankato, Fairmont Jackson, Worthington, Windom, St. James, and Luverne, Minn., and all of the Iowa points included under MC 108835, and Omaha, Nebr., via the Twin Cities Gateway. The purpose of this application is to eliminate the gateway. Applicant further states that any authority granted pursuant to this application shall be restricted against the transportation of freight originating at, or destined to, any point in South Dakota that applicant is presently authorized to serve. NOTE: Common control may be involved. Applicant states that it intends to tack any authority granted by this application with all of its existing authority, regular and irregular. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Des Moines, Iowa.

No. MC 109462 (Sub-No. 16), filed October 12, 1971. Applicant: LUMBER TRANSPORT, INC., Post Office Box 6181, South Station, Fort Smith, AK 72901. Applicant's representative: Robert G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution systems equipment and parts; environmental control and protective systems equipment and parts and equipment, material, and supplies*, used in the construction or installation of antipollution and environmental control or protective systems between Fort Smith, Ark., on the one hand, and points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Smith or Little Rock, Ark.

No. MC 110420 (Sub-No. 643), filed October 15, 1971. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Texas to Janesville, Wis. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 110420 (Sub-No. 644), filed October 15, 1971. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Tennessee, to Janesville, Wis. NOTE: Common control may be involved. Applicant states

that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 111383 (Sub-No. 32), filed October 18, 1971. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 3925 Singleton Boulevard, Dallas, TX 75208. Applicant's representative: Ronald R. Slaughter, Post Office Box 447, 3925 Singleton Boulevard, Dallas, TX 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), between Columbus and West Point, Ga., from Columbus over Georgia Highway 103 to West Point, and return over the same route as an alternate route for operating convenience only, in connection with applicant's presently authorized regular route operations and serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga., or Dallas, Tex.

No. MC 111594 (Sub-No. 53), filed October 6, 1971. Applicant: C W TRANSPORT, INC., 610 High Street, Wisconsin Rapids, WI 54494. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum articles*, from the plantsite of Amax Aluminum Mill Products, Inc., in Grundy County, Ill., to points in Kentucky, Minnesota, Missouri, and Wisconsin and (2) *commodities* used in the manufacturing and distribution of aluminum and aluminum articles and *return of damaged or rejected shipments of aluminum and aluminum articles*, from points in Kentucky, Minnesota, Missouri, and Wisconsin to the plantsite of Amax Aluminum Mill Products, Inc., in Grundy County, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111812 (Sub-No. 433), filed August 17, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Cheriton, Va., to points in Ohio, Michigan, Indiana, Illinois, Missouri, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Kansas. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Norfolk, Va., Richmond, Va., or Washington, D.C.

No. MC 111868 (Sub-No. 3), filed October 12, 1971. Applicant: JOHN HENNES TRUCKING COMPANY, a corporation, 320 South 19th Street, Milwaukee, WI 53233. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by Stanley Home Products, Inc., from the plantsite of said shipper at Dubuque, Iowa, to dealers of Stanley Home Products, Inc., located at points in Jo Daviess, Stephenson, Winnebago, Boone, Carroll, Ogle, De Kalb, Whiteside, Lee, Henry, Bureau, La Salle, Knox, Stark, Marshall, Livingston, Peoria, Woodford, Tazewell, McLean, and Putnam Counties, Ill., for the account of Stanley Home Products, Inc., of Westfield, Mass. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 112148 (Sub-No. 54), filed October 4, 1971. Applicant: POWERS TRANSPORTATION, INC., Post Office Box 87, Storm Lake, IA 50588. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Traverse City, Mich., to points in Indiana, Missouri, Nebraska, and Kansas City, Kans., restricted to traffic originating at the plantside and storage facilities of Chef Pierre Co. at Traverse City and destined to the above named points. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112205 (Sub-No. 9), filed October 13, 1971. Applicant: ELLSWORTH LAMOTTE RABON, doing business as RABON TRANSFER, Route 2, Box 235, Chadbourn, NC 28431. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber (which includes plywood) and veneer*, from points in Columbus County, N.C., to points in Florida, Georgia, South Carolina, West Virginia, Tennessee, Kentucky, Ohio, Indiana, Illinois, and Connecticut, with no transportation for compensation on return except as otherwise authorized. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh or Wilmington, N.C.

No. MC 112801 (Sub-No. 130), filed October 4, 1971. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, IL 60650. Applicant's representative: L. F. Abel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and shortenings*, in bulk, in tank vehicles, from Louisville, Ky., to points in Ohio and those in the lower peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 217), filed October 12, 1971. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191 (1401 North Little Street), Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Miami Margarine Co. at or near Albert Lea, Minn., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, and (2) *materials, supplies, and equipment* used in the manufacturing of foodstuffs, from points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, to the plantsite and warehouse facilities of Miami Margarine Co. at or near Albert Lea, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Milwaukee, Wis.

No. MC 113362 (Sub-No. 223), filed October 12, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: James Ellsworth, 4500 North State Line Road, Texarkana, AR 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal products and lighter fluid*, from Paris, Ark., and Jacksonville, Tex., to points in Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin (except from Jacksonville, Tex., to points in Texas). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 113495 (Sub-No. 51), filed October 12, 1971. Applicant: GREGORY

HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 60628, Nashville, TN 37206. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 First Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Knox, Anderson, and Loudon Counties, Tenn., and Lauderdale County, Miss., on the one hand, and, on the other, points in Texas, Oklahoma, Kansas, Nebraska, and Minnesota and points in States east thereof. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn., or Washington, D.C.

No. MC 113514 (Sub-No. 110), filed October 12, 1971. Applicant: SMITH TRANSIT, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Catalyst*, in bulk, from Cinizia, N. Mex., to points in Texas. NOTE: Applicant states that the requested authority will be tacked with its entire operating authority. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113666 (Sub-No. 60), filed October 4, 1971. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products, materials and supplies* used in the production and installation of refractory products, (1) from Jackson, Massillen, and Oak Hill, Ohio to points in Pennsylvania, and (2) from Porter Township, Clarion County, Pa., and the Borough of Taretum, Allegheny County, Pa., to points in North Carolina, South Carolina, Georgia, Tennessee, Alabama, Minnesota, Upper Peninsula of Michigan, points on and east of West Virginia Highway 92 and north of Highway 50 in West Virginia; points on and north of U.S. Highway 33 in Virginia, Maryland, except Baltimore, and Sparrows Point; Delaware except Wilmington and Claymont; Burlington, Camden, Atlantic, Cape May, Cumberland, Gloucester and Salem Counties, N.J., and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held a Washington, D.C.

No. MC 113855 (Sub-No. 249), filed October 6, 1971. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road Southeast, Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road rollers and scarifiers and parts and attachments of road rollers and scarifiers*, from Minneapolis, Minn., to points in Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Maryland, Missouri, Montana, Nebraska, New Jersey, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Texas, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its authority in sub 84, but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 114273 (Sub-No. 106), filed October 4, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue Northwest, Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionary, and confectionary products* (except commodities in bulk, in tank vehicles), from Reading, Pa., to points in Colorado, Illinois, Michigan, Minnesota, Missouri, Ohio, Tennessee, Texas, and Wisconsin, restricted to traffic originating at Reading, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114533 (Sub-No. 239), filed October 6, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Arnold Burke, 2220 Brunswick Building, 69 West Washington Boulevard, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture film and materials and supplies used in connection with commercial and television motion pictures), (1) between Kansas City, Kans., on the one hand, and, on the other, points in Missouri; (2) between St. Louis, Mo., on the one hand, and, on the other, Miami, Okla., and (3) between Parsons, Kans., on the one hand, and, on the other, points in Ottawa, Delaware, and Tulsa Counties, Okla. NOTE: Applicant holds contract carrier authority under MC 128616, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 115793 (Sub-No. 13), filed October 15, 1971. Applicant: CALDWELL FREIGHT LINES, INC., U.S. Highway 321 South, Post Office Box 672, Lenoir, NC 28645. Applicant's representative: Charles Ephraim, 1250 Connecticut Avenue NW., Suite 600, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts*, from the plantsite of American Bed Co. in St. Louis, Mo., to Cleveland and Chattanooga, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115826 (Sub-No. 225), filed October 14, 1971. Applicant: W. J. DIGBY, INC., Post Office Box 5088, T.A., 1960 31st Street, Denver, CO 80217. Applicant's representative: Ezekial Gomez (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Gallup, N. Mex., to points in Oklahoma, New Mexico, Colorado, Utah, Wyoming, Idaho, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Phoenix, Ariz.

No. MC 115826 (Sub-No. 229), filed October 18, 1971. Applicant: W. J. DIGBY, INC., Post Office Box 5088, T.A., 1960 31st Street, Denver, CO 80217. Applicant's representative: Ezekial Gomez, 1960 31st Street, Denver, CO 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Luverne, Minn., Denison, Ft. Dodge, LeMars and Mason City, Iowa, Dakota City and West Point, Nebr., and Emporia, Kans., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 115871 (Sub-No. 5), filed October 12, 1971. Applicant: EVART ISAAC, doing business as EVART ISAAC TRUCK LINE, Post Office Box 1315, Fort Dodge Road, Dodge City, KS 67801. Applicant's representative: John J. Keller, 145 West

Wisconsin Avenue, Neenah, WI 54956. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps and packinghouse waste products*, loose, in containers, or in bulk, in tank vehicles, from Dodge City, Garden City, Great Bend, Kansas City, and Pratt, Kans., to points in Arkansas, Colorado, Missouri, Nebraska, New Mexico, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dodge City or Wichita, Kans.

No. MC 115975 (Sub-No. 14), filed October 14, 1971. Applicant: C.B.W. TRANSPORT SERVICE, INC., Old Edwardsville Road, Mail: Post Office Box 48, Wood River, IL. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, for the account of American Oil Co., (1) from Wood River, Ill., to points in Missouri, Indiana, Kentucky, and Ohio; and (2) from Joliet, Ill., to points in Wisconsin Indiana, Michigan, and Ohio, under contract with American Oil Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 116063 (Sub-No. 126), filed September 24, 1971. Applicant: WESTERN - COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Post Office Box 270, Fort Worth, TX 76101. Applicant's representative: W. H. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformer oil*, in bulk, in tank vehicles, and *collapsible containers* when moving at the same time and on the same vehicle with transformer oil, from the plantsite of Gulf Oil Co.-United States, located at West Port Arthur, Tex., to points in Idaho, Indiana, Michigan, Minnesota, Montana, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 116254 (Sub-No. 128), filed October 12, 1971. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, AL 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, (1) from Clanton, Ala., to points in Georgia, North Carolina, South Carolina, and Tennessee; (2) from Cullman, Ala., to points in Georgia, North Carolina, South Carolina, and Tennessee and (3) from Selmer, Tenn., to points in Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Birmingham, Ala., or Memphis, Tenn.

No. MC 116877 (Sub-No. 5), filed September 17, 1971. Applicant: GARMENT CARRIERS, INC., 2645 Nevin Avenue, Los Angeles, CA 90011. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Hanging or cartoned garments, clothing and wearing apparel, and component parts used in the manufacture thereof*, as defined in 61 M.C.C. 288 and 289 (except natural furs and natural fur or fur trimmed garments), *handbags and costume jewelry*. (A) Between the points in California on and in the following routes and area, as follows: (1) All points on Interstate Highway 5 between San Fernando and San Juan Capistrano; (2) all points on Interstate Highway 10 between Santa Monica and Redlands; (3) all points on Interstate Highway 405 between San Fernando and junction with Interstate Highway 5 near Irvine; (4) serving all points in the Los Angeles Basin territory, as described in paragraph G set forth hereafter, as off-route points; and, the points in California on and in the following routes and area, as follows: (5) all points on U.S. Highway 101 between Ignacio and San Jose; (6) all points on State Highway 17 between Richmond and San Jose, and (7) serving all points in the San Francisco territory, as described in paragraph H set forth hereafter, as off-route points.

(B) Between all points included in subparagraphs A 1 through A 4 above, on the one hand, and points in California on the following routes as follows: (1) All points on Interstate Highway 80 between San Francisco and North Sacramento; (2) all points along U.S. Highway 101, California Highways 37, 12, and 29 between the northerly boundary of the San Francisco territory and junction of State Highway 29 and U.S. Highway 40 and the off-route points of Belvedere, Tiburon, Mill Valley, San Anselmo, Fairfax, Novato, Sonoma, Fort Berry, Fort Baker, Fort Cronkhite, Sausalito, Marin City, Corte Madera, Larkspur, Kentfield, San Rafael, Terra Linda, San Benetia, Marinwood, Ignacio, Ignacio Junction, Black Point, Hamilton AF Base, Waldo and Napa; (3) all points on U.S. Highway 50 between Oakland and Sacramento and the off-route point of Pleasanton; (4) all points on U.S. Highway 99 between Stockton and Modesto; (5) all points on State Highway 4 between junction thereof with U.S. Highway 40 and Stockton and the off-route points of Port Chicago and Byron; (6) all points on State Highway 24 between Oakland and Pittsburg and the off-route point of Moraga; (7) all points on Interstate Highway 680 between Warm Springs and Martinez, and (8) all points on State Highways 33 and 132 between Tracy and Modesto. (C) Between all points included in paragraphs A and B above, on the one hand, and, on the other hand, the following California points: (1) Fresno, Bakersfield, and Modesto; from Los Angeles to Modesto over State Highway 99, thence over State Highway 132 to junction with Interstate Highway 580 to Oakland, and return over the same route and (2) Santa Barbara, Ventura, and Oxnard; from Los Angeles to San Francisco over U.S. Highway 101 and return over the same route.

(D) Between all points included in paragraphs A, B, and C above, on the one hand, and points in Arizona along the following routes as follows: (1) All points on U.S. Highway 80, between Avondale and Mesa, inclusive, including the off-route points of Alhambra, Chandler, Glendale, and Scottsdale, and (2) all points on Interstate Highways 10 and 19 and U.S. Highway 89, between Phoenix and Nogales, including the off-route point of Casa Grande, from Los Angeles, Calif., to Nogales, Ariz., over Interstate Highway 10 and U.S. Highway 60 to Blythe, Calif.; thence over U.S. Highway 60 and Interstate Highway 10 to Phoenix, Ariz.; thence over Interstate Highway 10 to Tucson, Ariz.; thence over Interstate Highway 19 and U.S. Highway 89 to Nogales, Ariz., and return over the same route. (E) Between all points included in paragraphs A, B, and C above, on the one hand, and on the other hand, the following points in Nevada: (1) Las Vegas with service to points in Clark County as off-route points, from Los Angeles, Calif., along Interstate Highway 10 to junction with Interstate Highway 15 near Colton, Calif., thence over Interstate Highway 15 to Las Vegas, Nev., and return over the same routes. (F) For operating convenience only, the following alternate routes shall be utilized: (1) From junction with State Highway 99 near Chowchilla, Calif., to Gilroy, Calif., over State Highway 152 and return over the same route; (2) from Los Angeles, Calif., to junction with U.S. Highway 50, near Tracy, Calif., over Interstate Highway 5 and return over the same route and (3) From Indio, Calif., to junction with Interstate Highway 10 near Casa Grande, Ariz., over California Highway 86, U.S. Highway 80 and Interstate Highway 8 and return over the same route.

(G) Los Angeles Basin Territory, Calif., includes all points within the following boundaries: Beginning at the intersection of the westerly boundary of the city of Los Angeles and the Pacific Ocean, thence along the westerly and northerly boundaries of said city to its point of first intersection with the southerly boundary of Angeles National Forest, thence along the southerly boundary of Angeles and San Bernardino National Forests to the point of intersection of said southerly boundary of the San Bernardino National Forest and the San Bernardino-Riverside County line, thence in a southerly and westerly direction along said county boundary to a point thereon distant 5 miles east of the intersection of said county boundary and U.S. Highway 91, thence generally southerly and southwesterly along a line generally paralleling and distant 5 miles from U.S. Highway 91, State Highway 55, U.S. Highway 101, Laguna Canyon Road and the prolongation thereof to the Pacific Ocean,

thence along the coastline of the Pacific Ocean to the point of beginning, and (H) San Francisco Territory, Calif., includes all of the city of San Jose and all points within the following boundaries: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road);

Northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway over Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbor Drive, and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. NOTE: Applicant holds interstate authority in Docket No. MC 116877 to operate between all points in California included in the instant application. However, the existing right provides for "irregular" route operations and, by this application, that authority will be converted to "regular" route service. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.; Las Vegas, Nev., Phoenix, and Tucson, Ariz.

No. MC 117574 (Sub-No. 209), filed October 12, 1971. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 11666, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Turbines, steam condensers, feed water heaters and parts thereof, iron and steel castings and forgings*, between points in Chester, Eddystone, Easington, and Philadelphia, Pa., and Wilmington, Del., on the one hand, and, on the other, points in the United States (except Alaska and Arizona, California, Hawaii, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming). NOTE: Applicant states that the authority requested herein can be tacked with applicant's existing authority. It is not however applicant's present intention to tack, therefore the tackable authorities are not identified herein. Persons interested in the tacking possibilities are cautioned that failure to oppose the applicant may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 210), filed October 12, 1971. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Transformers*, which because of size or weight require the use of special equipment and (2) *transformers*, which because of size or weight do not require the use of special equipment, when moving in mixed shipments with the items in (1) above, between Pittsburgh, Pa., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117664 (Sub-No. 7), filed October 6, 1971. Applicant: DENTON TRUCKING, INC., Post Office Box 33, Denton, MD 21629. Applicant's representative: Howard M. Mezick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Untreated lumber, ties and wood chips*, from Denton, Md., to points in Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118038 (Sub-No. 4), filed October 7, 1971. Applicant: EASLEY HAULING SERVICE, INC., Post Office Box 1261 (Gun Club Road), Yakima, WA 98907. Applicant's representative: Norman Richardson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded polystyrene forms and shapes, expanded or formed and nested*, between Wenatchee, Wash., and points in Multnomah, Hood River, Wasco, Jackson, Clackamas, Umatilla, Malhuer, Marion, and Washington Counties, Oreg. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Yakima, Wash.; Portland, Oreg., or Seattle, Wash.

No. MC 118518 (Sub-No. 7), filed September 20, 1971. Applicant: MUKLUK FREIGHT LINES, INC., Box 3-4127, Anchorage, AK 99501. Applicant's representative: Joseph W. Sheehan, 330 Wendell Street, Suite A, Teamsters Building (Post Office Box 2551), Fairbanks, AK 99707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission), between Sweetgrass, Mont., on the one hand, and, on the other, points in Alaska (except those in the Alaska Panhandle south of Haines, Alaska). NOTE: Applicant states that it intends to tack the requested authority with both its existing Alaska authority, and that which it is presently seeking through transfer proceedings before the Alaska Transportation Commission, and further that it seeks to tack and join the sought authority at any and all points on the Alaska border, except those in the Alaska Panhandle south of Haines, Alaska: If a hearing is deemed necessary, applicant requests it be held at Anchorage or Fairbanks, Alaska.

No. MC 119815 (Sub-No. 11), filed October 1, 1971. Applicant: INTERSTATE HIGHWAY EXPRESS, INC., 814 Norton Avenue, Bedford, IN 47421. Applicant's representative: Walter F.

Jones, Jr., Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated metal pipe and corrugated metal sheets*, from the plantsite of Kaiser Aluminum & Chemical Corp. at Bedford, Ind., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Louisiana, Indiana, South Carolina, Virginia, Connecticut, Massachusetts, Rhode Island, Vermont, Maine, New Hampshire, and Colorado, and returned shipments of corrugated metal pipe and corrugated metal sheets, from points in North Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Louisiana, Indiana, South Carolina, Virginia, Connecticut, Massachusetts, Rhode Island, Vermont, Maine, New Hampshire, Colorado, West Virginia, Ohio, Michigan, Kentucky, Tennessee, and Illinois to Bedford, Ind., under contract with Kaiser Aluminum & Chemical Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 120800 (Sub-No. 45), filed October 12, 1971. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda, Compton, CA 90222. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon monoxide*, in bulk, in tank vehicles, from the plantsite of Air Products and Chemicals, La Porte, Tex., to Los Angeles, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 123407 (Sub-No. 96), filed October 7, 1971. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue South, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring systems, hardwood flooring, lumber, lumber products, and accessories* used in the installation thereof, from Dollar Bay, Mich., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 123502 (Sub-No. 38), filed October 15, 1971. Applicant: FREE STATE TRUCK SERVICE, INC., Post Office Box 760, 10 Vernon Avenue, Glen Burnie, MD 21061. Applicant's representative: W. Wilson Corroum (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metals and metal alloys*, in dump vehicles, from points in Virginia to Baltimore, Md.; and Bristol, Philadelphia, and Tullytown, Pa. NOTE: Applicant states it intends to tack at Baltimore, Md., with existing authorities to provide a through service. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123805 (Sub-No. 7), filed October 8, 1971. Applicant: G. H. LOMAX, Rural Route No. 1, Hannibal, MO 63401. Applicant's representative: Thomas P. Rose, Jefferson Building, Post Office Box 205, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa meal and pellets*, from the plantsite of Marion County Milling Co., located near Hannibal, Mo., to points in Illinois and Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jefferson City or St. Louis, Mo.

No. MC 123885 (Sub-No. 6), filed October 7, 1971. Applicant: C & R TRANSFER CO., a corporation, 1315 West Blackhawk Street, Sioux Falls, SD 57101. Applicant's representative: James R. Becker, 412 West Ninth Street, Sioux Falls, SD 57104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bags or bulk, (a) from Aberdeen, S. Dak., to points in Minnesota located on and east of U.S. Highway 59, on the one hand, and, on the other, on and west of U.S. Highway 65 from the Minnesota-Iowa State line to and including the Minneapolis-St. Paul commercial zone, and Minnesota Highway 65 from the Minneapolis-St. Paul commercial zone to the Minnesota-Canadian border, and points in Iowa located on and west of U.S. Highway 65 and on and north of U.S. Highway 30; and (b) from points in Minnehaha County, and Rapid City, S. Dak., to points in North Dakota located on and east of U.S. Highway 83; points in Minnesota located on and west of U.S. Highway 65 from the Minnesota-Iowa State line to and including the Minneapolis-St. Paul commercial zone and points in Minnesota on and west of Minnesota State Highway 65 from the Minneapolis-St. Paul commercial zone to the Minnesota-Canadian border; points in Iowa located on and west of U.S. Highway 65 and on and north of U.S. Highway 30, and points in Nebraska located on and north of U.S. Highway 30, and on and east of U.S. Highway 83; (2) *Concrete products*, from points in Minnehaha County, Mitchell, Watertown, and Rapid City, S. Dak., to points in Minnesota located on and west of U.S. Highway 65 from the Minnesota-Iowa State line to and including the Minneapolis-St. Paul commercial zone and points in Minnesota on and west of Minnesota State Highway 65 from the Minneapolis-St. Paul commercial zone to the Minnesota-Canadian border, and points in Iowa located on and west of U.S. Highway 65 and on and north of U.S. Highway 30; and (3) *rock*, in bags or bulk, from Canon City, Colo., to Sioux Falls, S. Dak. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 112306 Subs 7 and 14, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., Minneapolis, Minn., or Omaha, Nebr.

No. MC 123905 (Sub-No. 11), filed October 15, 1971. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, MS 39350. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, poles, timbers, and cross-ties*, treated or untreated, from points in Alabama, Louisiana, Arkansas, and Mississippi, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Mississippi, under contract with Klumb Lumber Co., Inc., Thomasson Lumber Co., Hankins Lumber Co., and Edward Hinds Lumber Co. of Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 124111 (Sub-No. 32), filed October 4, 1971. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, 300 Perkins Avenue, Sandusky, OH 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (a) from Baltimore, Md., to Youngstown, Cleveland, and Toledo, Ohio, and Detroit and Grand Rapids, Mich., and (b) from New York, N.Y., to Toledo, Ohio, and Detroit, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 124315 (Sub-No. 4), filed October 1, 1971. Applicant: ROBERT LUKENBILL, doing business as J. & L. Co., 6517 North Smith, Spokane, WA 99207. Applicant's representative: Hugh A. Dressel, 702 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Bakery goods* on palletized racks with wheels, from Seattle, Wash., to Lewiston, Idaho, and Spokane, Wash., serving the intermediate points of Yakima, Tri Cities Area (Richland, Kennewick, Pasco) and Walla Walla, Wash., under contract with Langendorf Bakeries of Seattle in conjunction with present three shippers. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 124327 (Sub-No. 1), filed October 12, 1971. Applicant: BYFORD CONTRACT CARRIER CORPORATION, Post Office Box 261, Selmer, TN 38375. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salad dressing*, moving in insulated trailers, from Nashville, Tenn., to points in Arizona, California, Oklahoma, and Texas, and (2) *canned tomato products*, from points in Califronia to Nashville, Tenn., under contract with Mike Rose Foods Manufacturing, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville or Memphis, Tenn.

No. MC 124692 (Sub-No. 82), filed October 4, 1971. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 1447, Missoula, MT 59801. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 42604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant and warehouse facilities of Northwestern Steel and Wire Co., at Sterling, Ill., to points in Montana, Wyoming, Idaho, Utah, Washington, and Oregon, restricted to traffic originating at Northwestern Steel and Wire Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 124692 (Sub-No. 83), filed October 14, 1971. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 1447, Missoula, MT 59801. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 42604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plants and warehouse facilities of Keystone Steel and Wire Co., at Peoria, Ill. and Chicago Heights, Ill., to points in Montana, Wyoming, Idaho, Utah, Washington, and Oregon, restricted to traffic originating at the plant and warehouse facilities of Keystone Steel and Wire Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 124796 (Sub-No. 89), filed October 12, 1971. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91747. Applicant's representative: William J. Monheim (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in the United States (except Alaska and Hawaii). Restriction: The operation sought herein is limited to a transportation service to be performed under a continuing contract, or contracts with W. R. Grace & Co. NOTE: Common control may be involved. Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125010 (Sub-No. 11), filed October 12, 1971. Applicant: GIBCO MOTOR EXPRESS, INC., 3405 North 33d Street, Terre Haute, IN 47808. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ferroalloys*, in dump vehicles and in containers, from Calvert City, Ky., to Saginaw, Mich., under contract with Airco Alloys and Carbide, a division of Air Reduction Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 125023 (Sub-No. 13), filed October 5, 1971. Applicant: SIGMA-4 EXPRESS, INC., Post Office Box 9117, Erie, PA 16504. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt. beverages*, in containers, and *advertising materials* moving therewith, and *empty beverage containers*, on return, from Fort Wayne, Ind., to points in Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 125023 (Sub-No. 14), filed October 13, 1971. Applicant: SIGMA-4 EXPRESS, INC., Post Office Box 9117, Erie, PA 16504. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers and related advertising material moving therewith, from Pittsburgh, Pa., to points in Illinois, Indiana, Michigan, and Wisconsin and *empty containers* on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 125433 (Sub-No. 30), filed October 12, 1971. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South Street, Salt Lake City, UT 84119. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Ex Parte No. MC 45, *Descriptions in Motor Carrier Certificates*, appendix V (61 M.C.C. 276), between points in Colorado on the one hand, and, on the other, points in Utah, Idaho, and Nevada. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but does not identify the points or territories which can be served through tacking. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

No. MC 125497 (Sub-No. 14), filed October 15, 1971. Applicant: L. WOODS & SON TRANSPORT LIMITED, 5005 Irwin Avenue, La Salle, PQ, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel*, from ports of entry on the United States-Canada boundary line to points in New Jersey and Pennsylvania, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to transportation of traffic originating in Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125918 (Sub-No. 12), filed October 12, 1971. Applicant: JOHN A. DE MEGLIO, White Horse Pike, Ancora, N.J. 08037. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products*, from York, Pa., to points in Orange, Rockland, Westchester, Nassau, Suffolk, and Putnam Counties, N.Y., and New York, N.Y., and points in Hudson, Bergen, Essex, Passaic, and Union Counties, N.J., under contract with Glen Gery Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 125985 (Sub-No. 9), filed October 1, 1971. Applicant: AUTO DRIVE-AWAY COMPANY, a corporation, 343 South Dearborn Street, Chicago, IL 60604. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational vehicles and motor homes* (not mobile homes) in driveaway service, between points in Indiana and points in the United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126119 (Sub-No. 1), filed October 6, 1971. Applicant: EASTERN MOTOR TRANSPORT, INCORPORATED, Post Office Box 501, 508 Gordon Avenue, Richmond, VA 23204. Applicant's representative: G. C. Kirkmyer, Jr., Post

Office Box 501, Richmond, VA 23204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Packinghouse by-products,* in bulk, in tank vehicles, except chemicals and animal oils, from Smithfield, Va., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 126246 (Sub-No. 4) (correction), filed September 13, 1970, published in the FEDERAL REGISTER issue of October 15, 1971, and republished as corrected this issue. Applicant: AMERICAN TRANSFER AND STORAGE COMPANY, a corporation, 905 West Mockingbird Lane, Dallas, TX 75247. Applicant's representative: Phillip Robinson, The 904 Lavaca Building, Austin, Tex. 75247. NOTE: The purpose of this republication is to correct the docket number assigned thereto as shown above, in lieu of No. MC 126247 which was in error. The rest of the notice remains as previously published.

No. MC 127003 (Sub-No. 3), filed October 6, 1971. Applicant: JOHN W. LANKFORD, Rural Delivery No. 1, Pocomoke City, MD 21851. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Beer,* from Williamsburg, Va., to points in Wicomico and Worcester Counties, Md., and (2) *empty bottles and containers,* on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127042 (Sub-No. 89), filed October 4, 1971. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* from Kalona, Iowa, to points in Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., St. Paul, Minn., or Chicago, Ill.

No. MC 127834 (Sub-No. 66), filed October 8, 1971. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, TN 37203. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, KY 40601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles and fabricated steel items,* from Anniston, Ala., to points in Arkansas, Missouri, Kentucky, Tennessee, Wisconsin, Illinois, Indiana, Ohio, West Virginia, Virginia, Maryland, District of Columbia, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and Michigan. NOTE: Applicant states it does not intend to tack at present but would do so if applicable appropriate authority is received now or in the future. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Louisville, Ky., or Frankfort, Ky.

No. MC 127834 (Sub-No. 67), filed October 8, 1971. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, TN 37203. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, KY 40601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Plumbing and roofing supplies and sheet metal products,* from Federal Copper and Aluminum Co., Inc., near College Grove, Tenn., to points in Montana, Wyoming, Colorado, New Mexico, and all States east thereof, and (2) *materials, equipment, and supplies* used in the manufacture and/or distribution of the commodities in (1) above, from points in Montana, Wyoming, Colorado, New Mexico, and all States east thereof, to Federal Copper and Aluminum Co., Inc., near College Grove, Tenn. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Louisville or Frankfort, Ky.

No. MC 128205 (Sub-No. 18), filed October 15, 1971. Applicant: BULKMATIC TRANSPORT COMPANY, a corporation, 4141 George Street, Schiller Park IL 60176. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Flour,* in bulk, from Toledo, Ohio, to Chicago and Naperville, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128247 (Sub-No. 21), filed October 1, 1971. Applicant: BURSAL TRANSPORT, INC., Rural Route 1, Bunker Hill, IN 46914. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Rock wool insulating material* (asbestos or magnesia, mineral wool, mineral wool and cotton cloth or paper combined, in forms other than solid flat blocks or sheets; asbestos, felt, paper, magnesia or mineral wool, separate or combined, in solid flat blocks or solid flat sheets; rock or slag mineral wool, metal reinforced; mineral wool, in batts and also other than batts), from points in Madison County, Ind., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Indiana Rockwool Division of Susquehanna Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 128338 (Sub-No. 1) filed October 15, 1971. Applicant: RINGER TRUCKING, INC., Route No. 1, Box 54, Markleysburg, PA 15459. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in containers, between Morgantown, W. Va., on the one hand, and, on the other, points in Rhode Island, Connecticut, New Hampshire, Vermont, Illinois, Virginia, and North Carolina, under continuing contract with Weston Chemical Co., Inc., of Morgantown, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128375 (Sub-No. 64) (Correction), filed July 29, 1971, published in the FEDERAL REGISTER issue of August 26, 1971, and republished in part as corrected this issue. Applicant: CRETE CARRIER CORPORATION, Box 249, Crete, NE 68333. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. NOTE: The sole purpose of this partial republication is to reflect the addition of Arkansas as a destination State that was inadvertently omitted in the original publication. The rest of the application remains as previously published.

No. MC 128940 (Sub-No. 17), filed October 12, 1971. Applicant: RICHARD A. CRAWFORD, doing business as R. A. TRUCKING SERVICE, Post Office Box 722, Adelphi, MD 20783. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Frozen bakery goods, baking and freezing apparatus and equipment,* from points in Washington County, Md., to points in

Pennsylvania, West Virginia, Virginia, Kentucky, Ohio, Indiana, Illinois, Missouri, Iowa, Kansas, Minnesota, Wisconsin, and Michigan and (2) *Plastic film, cardboard, and corrugated cartons,* from Muncie, Ind., St. Louis, and Hazelwood, Mo., and Harrisonburg, Va., to points in Washington County, Md., under contract with Dutchie, Inc., Hagerstown, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133800 (Sub-No. 1), filed October 15, 1971. Applicant: RAYMOND SANDLIN, JR. AND JANICE SANDLIN, a partnership, doing business as SANDLIN TRUCKING, Rural Route No. 1, Greensburg, IN. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46202. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Malt beverages,* from Detroit, Mich., to Greensburg, Ind., and (2) *used empty malt beverage containers,* from Greensburg, Ind., to Detroit, Mich., to be performed under a continuing contract with Tree City Beverage Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 134069 (Sub-No. 5), filed October 12, 1971. Applicant: B AND D TRANSPORT, INC., Post Office Box 1113, Palmer Plaza, Deming, NM 88030. Applicant's representative: V. Lee Vesely, Post Office Box 1056, Silver City, NM 88061. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Dairy products, fruit juices, fruit concentrates, and animal fats,* in vehicles equipped with mechanical refrigeration, from points in New Mexico to points in Texas on and west of U.S. Highway 83, under contract with Price's Creameries, Inc. NOTE: Applicant states that tacking would be made with its Sub-No. 2 between Texas and New Mexico at points common to existing authority and the proposed authority. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex., Silver City or Deming, N. Mex.

No. MC 134282 (Sub-No. 4), filed October 1, 1971. Applicant: ENNIS TRANSPORTATION CO., INC., Post Office Box 447, Ennis, TX 75119. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Gypsum board paper,* (1) from the plantsite and warehouse of Georgia Pacific Co. at or near Pryor, Okla., to the plantsite and/or warehouse of the Celotex Corp. at or near Hamlin, Fisher County, Tex.; and (2) from the plantsite and warehouses of National Paper Co. at or near Pryor, Okla., to the plantsite and/or warehouse of the Flintkote Co. at or near Sweetwater, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 134336 (Sub-No. 4), filed October 12, 1971. Applicant: TOM BOWEN, INC., Box 689, Sturgis, SD 57785. Applicant's representative: A. Milton Evans, Box 1286, Rapid City, SD 57701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber and lumber products,* from Sturgis, S. Dak., to points in Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rapid City; Pierre or Sioux Falls, S. Dak.

No. MC 134617 (Sub-No. 1), filed October 13, 1971. Applicant: TRUCK TRAILER LEASING COMPANY, a corporation, 248 Ohio River Boulevard, Sewickley, PA 15143. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pitssburgh, Pa. 15219. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Plastic articles and materials, supplies and equipment* used in the manufacture and distribution of plastic articles (except commodities in bulk), between the plantsites of Cities Service Co., Fesco Operations, at McKees Rocks, Pa., Kankakee, Ill., and Tustin, Calif., on the one hand, and, on the other, points in California, Arizona, New Mexico, Texas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, Virginia, Maryland, Delaware, West Virginia, Ohio, Indiana, Illinois, Wisconsin, Michigan, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia, under continuing contract with Cities Service Co., Fesco Operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 135007 (Sub-No. 8), filed October 12, 1971. Applicant: AMERICAN TRANSPORT, INC., Millard, Nebr. 68137. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as *contract carrier,* by motor vehicle, over irregular routes, transporting: *New finished furniture,* from Taylor and San Marcos, Tex., to points in Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Mississippi, Alabama, Tennessee, Kentucky, Indiana, Michigan, Ohio, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, New York, Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, Pennsylvania, the District of Columbia, Oklahoma, Colorado, Kansas, and Nebraska, under a continuing contract with William P. Volker & Co., Kerr-Ban Furniture Manufacturing Co. Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Dallas, Tex.

No. MC 135012 (Sub-No. 1), filed October 8, 1971. Applicant: AERO DISTRIBUTING CO., a corporation, 834 West Main Street, Lowell, MI 49331. Applicant's representative: Daniel J. Kozera, Jr., 715 McKay Tower, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases and natural gasoline,* in bulk, in tank vehicles, from points in St. Clair County, Mich., to points in Indiana and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., Chicago, Ill., or Detroit, Mich.

No. MC 135283 (Sub-No. 5), filed October 18, 1971. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., Box 1665, Grand Island, NE 68801. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses,* from the plantsite and storage facilities of Swift & Co. at or near Grand Island, Nebr., to points in Iowa, Illinois, Missouri, Minnesota, Wisconsin, and Vermont, restricted to traffic originating at the named origin and destined to the named States. NOTE: Applicant requests concurrent handling with F-11351, published in the FEDERAL REGISTER issue of November 3, 1971. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Grand Island, Nebr.

No. MC 135621 (Sub-No. 2), filed October 15, 1971. Applicant: MOLER-WAY FREIGHT LINES, INC., 1931 Broadwater Avenue, Billings, MT 59102. Applicant's representative: Donald R. Herndon, Post Office Box 20779, 1216 16th Street West, Billings, MT 59102. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except household goods and articles of unusual value or those requiring the use of special equipment), (1) between Billings and Forsyth, Mont.: (a) From Billings over U.S. Highway 87 to Roundup, Mont., thence over U.S. Highway 12 to Forsyth and return over the same route, serving all intermediate points; (b) From Billings to Forsyth over U.S. Highway 10 and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 135803 (Sub-No. 1), filed October 7, 1971. Applicant: WALLACE TRANSPORT, a corporation, Post Office Box 212, Planada, CA 95365. Applicant's representative: Boris H. Lakusta, 310 Sansome Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Groceries and other commodities dealt in by wholesale or retail grocery establishments*

foods and food products requiring temperature control service; meats, meat products—including cooked and cured meats, meat byproducts and articles distributed by meat packinghouses; dairy products; and fish and agricultural commodities, otherwise exempt under section 203(b)(6) of the Interstate Commerce Act, in mixed shipments with regulated commodities, (a) between points in California (excluding pickup and delivery service within (1) the cities of Alameda, Albany, Berkeley, Emeryville, El Cerrito, Hayward, Piedmont, Richmond, Oakland, San Leandro, South San Leandro, San Francisco, and South San Francisco, (2) the commercial zones of Los Angeles County and/or Los Angeles Harbor), and (b) between points in California on the one hand, and, on the other, points in Washoe County, Nev. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 135812 (Amendment), filed July 6, 1971, published FEDERAL REGISTER issue of August 19, 1971, and republished as amended this issue. Applicant: PROFESSIONAL DRIVER SERVICES, INC., 146 Seventh Avenue, North, Nashville, TN 37203. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trucks, tractors, semitrailers, and tractor trailer units,* in driveaway service, between points in Metropolitan Nashville and Davidson Counties, Tenn., Knoxville, Tenn., and Mobile, Ala., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted on return to said named points against initial driveaway service. NOTE: Application is accompanied with a motion to dismiss. The purpose of this republication is to show that the application has been amended to add Knoxville, Tenn., and Mobile, Ala. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 135865 (Sub-No. 1), filed October 12, 1971. Applicant: APPLEGATE DRAYAGE COMPANY, a corporation, 325 North Fifth Street, Sacramento, CA 95812. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* (1) between Sacramento and Vinton, Calif., over California Highway 70, serving all intermediate points, and off-route points within 10 miles of said highway between Jarbo Gap and Vinton, Calif., and (2) between the junction of California Highways 89 and 70 and Greenville, Calif., over California Highway 89, serving all intermediate points and off-route points within 10 miles of said highway and the off-route point of Taylorsville, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sacramento or San Francisco, Calif.

No. MC 135909 (Correction), filed August 2, 1971, published in the FEDERAL REGISTER issue of October 15, 1971 and republished in part as corrected this issue. Applicant: WALTER V. BAKER AND WILLIS D. W. BAKER, a partnership doing business as BAKER BROS., 304 South Main, Ellington, MO 63638. Applicant's representative: Walter V. Baker (same address as applicant). NOTE: The purpose of this partial republication is to reflect *between* points in Missouri, Iowa, Illinois, Alabama, Arkansas, and Kansas in lieu of "from points in" as was shown in the previous publication. The rest of the application remains as previously published.

No. MC 135936 (Sub-No. 2), filed October 4, 1971. Applicant: LIEBMANN TRANSPORTATION CO., INC., U.S. Highway 65 North, also Post Office Box 1022, Iowa Falls, IA 50126. Applicant's representative: Robert R. Rydell, 900 Savings and Loan Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Tama, Iowa, to Chicago, Ill.; Milwaukee, Wis., and Detroit, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 135955, filed August 11, 1971. Applicant: BAKKER SERVICE STATION, INC., 730–750 East 241st Street, Bronx, NY 10470. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Disabled or wrecked passenger and commercial vehicles, fork-lift trucks, and other disabled or wrecked self-propelled articles requiring the use of wrecker equipment, and replacements for such disabled or wrecked commodities,* between points in the United States east of and including North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135987 (Sub-No. 1), filed September 10, 1971. Applicant: CARBOL TRAILWAYS (LTD), 300–444 Seventh Avenue SW., Calgary 2, AB, Canada. Applicant's representative: Reginald A. Carbol, 2124 Chambers Street, Victoria, BC, Canada. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas,* from Wilmington, Calif., and Seattle, Wash. to the international boundary between the United States and Canada at or near Blaine, Lynden, Sumas, and Oroville, Wash., Eastport, Idaho, and Sweetgrass, Mont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 135994, filed August 26, 1971. Applicant: MOLASSES HAULERS, INC., Box 621, West Highway 26, Scottsbluff, NE 69361. Applicant's representative: Robert G. Simmons, Jr., 1620 Avenue A, Scottsbluff, NE 69361. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tallow, animal oils, and animal fats,* as described by the Commission, in tank vehicles, from the plantsite of Swift & Co., at Gering, Nebr., to points in Nebraska and South Dakota, on and west of U.S. Highway 281 and points in Colorado and Wyoming, on and east of U.S. Highway 87. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Scottsbluff or Gering, Nebr.

No. MC 135997 (Amendment), filed August 24, 1971, published in the FEDERAL REGISTER issue of October 7, 1971, and republished as amended this issue. Applicant: TEXAS TANK LEASING, INC., Route 10, Box 501 N., Houston, TX 77040. Applicant's representative: William D. Lynch, 1005 Nueces, Austin, TX 78701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass fiber reinforced plastic storage vessels, vessel parts, and attachments* thereto when moving with the vessels and pipe, from points in Texas to points in Oklahoma, Louisiana, Kansas, Missouri, Arkansas, Mississippi, Alabama, Tennessee, Texas, Florida, and Georgia. NOTE: The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Fort Worth, Tex.

No. MC 136002 (Sub-No. 1), filed October 4, 1971. Applicant: DANIELSON AVIATION, INC., Danielson Airport, Danielson, Conn. 06239. Applicant's representative: Reubin Kaminsky, Post Office Box 17–067, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, commodities contaminating or injurious to other lading, and articles of unusual value), between Killingly Township, Conn., and Bradley International Airport at Windsor Locks, Conn., (1) from Danielson located in Killingly Township, over Connecticut Highway 52 to its junction with Connecticut Highway 101, thence over Connecticut Highway 101 to its junction with U.S. Highway 44, thence over U.S. Highway 44 to its junction with Interstate Highway 86, thence over Interstate Highway 86 to its junction with Interstate Highway 84, thence over Interstate Highway 84 to its junction with Interstate Highway 91, thence over Interstate Highway 91 to its junction with Connecticut Highway 20,

thence over Connecticut Highway 20 to its junction with the Bradley Field Connector, thence over the Bradley Field Connector to Bradley International Airport at Windsor Locks, Conn., and return over the same route; and

(2) From Danielson located in Killingly Township, Conn., over Connecticut Highway 52 to its junction with Connecticut Highway 101, thence over Connecticut Highway 101 to its junction with U.S. Highway 44, thence over U.S. Highway 44 to its junction with Interstate Highway 86, thence over Interstate Highway 86 to its junction with Connecticut Highway 30, thence over Connecticut Highway 30 to its junction with Interstate Highway 291, thence over Interstate Highway 291 to its junction with Interstate Highway 91, thence over Interstate Highway 91 to its junction with Connecticut Highway 20, thence over Connecticut Highway 20 to its junction with the Bradley Field Connector, thence over the Bradley Field Connector to Bradley International Airport, at Windsor Locks, Conn., and return over the same route, serving no intermediate points, but serving the terminal points and the off-route points of Brooklyn, Canterbury, Eastford, Griswold, Killingly, Lisbon, Plainfield, Pomfret, Putnam, Sprague, Sterling, Thompson, and Woodstock, Conn., and point within 2 miles of Bradley International Airport at Windsor Locks, Conn., with such service restricted to traffic originating at or destined to airline carriers or air freight forwarders, and all service restricted to traffic having an immediately prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Providence, R.I.

No. MC 136041, filed September 7, 1971. Applicant: STANLEY HUNT AND DOMINIC NAPOLITAN, a partnership, doing business as BAGLEY TRUCKING CO., 4550 Richmond Street, Philadelphia, PA 19137. Applicant's representative: Stanley Hunt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and milk food*, from the plantsite of Wyeth International, Ltd., at Malvern, Pa., to steamship piers at Philadelphia, Pa., and Camden, N.J. for subsequent movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 136071 (Sub-No. 1), filed October 7, 1971. Applicant: KISSNER TRANSPORT, LTD., 525 12th Avenue East, Regina, SK, Canada. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt (sodium chloride) and salt products*, from Williston, N. Dak., to ports of entry on the United States-Canadian international boundary line in Montana and North Dakota, on traffic destined to the Provinces of Alberta, Manitoba, and Saskatchewan, under contract with Dakota Salt & Chemical Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Williston, Minot, Bismarck, or Fargo, N. Dak.

No. MC 136080 (Sub-No. 1), filed October 12, 1971. Applicant: ELIZABETH S. LAFOE AND BERNIE L. LAFOE, a partnership, doing business as E. S. LAFOE, Box 32, Monkton, Vt. 04569. Applicant's representative: Elizabeth S. Lafoe (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled nonalcoholic beverages, empty bottles, fiberboard containers, syrup, liquid sugar, vending machines, paper labels, caps, and materials and supplies* used in the soft drink bottling industry, from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Pennsylvania, West Virginia, Virginia, and Maryland, on the one hand, and on the other, Rutland, Montpelier, and Burlington, Vt., under contract with Louis E. Farrell Bottling Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Burlington or Montpelier, Vt.

No. MC 136083, filed October 7, 1971. Applicant: FONT TRANSPORT CORP., 234 Southlawn Avenue, Central Islip, NY 11722. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural and architectural tubing*, from the facilities of American Flagpole, Division of Kearney-National, Inc., at East Setauket, N.Y., and the piers and wharves in that part of the New York commercial zone as defined in the 5th Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (The "exempt" zone), on the one hand, and, on the other, points in Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Coumbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136095 (Sub-No. 1), filed October 12, 1971. Applicant: ROBERT L. GILBERT AND LOU E. GILBERT, a partnership, doing business as GILBERT EXPRESS LINE, 1701 South Federal Highway, Stuart, FL 33494. Applicant's representative: John P. Bond, 30 Giralda Avenue, Coral Gables, FL 33134. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* having a density of less than 4 pounds per cubic feet in boxes, between Kent, Ohio, and points in Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, Alabama, Maryland, and Washington, D.C., under contract with The Smithers Co., Kent, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami or Tampa, Fla.

No. MC 136108, filed October 18, 1971. Applicant: 4 JAY LEASING CORPORATION, 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Applicant's representative: Martin Sack, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rags and used clothing and wearing apparel*, from points in New York and New Jersey to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

MOTOR CARRIER OF PASSENGERS

No. MC 668 (Sub-No. 95), filed October 4, 1971. Applicant: INTER-CITY TRANSPORTATION CO., INC., DONALD A. ROBINSON, TRUSTEE, 419 Anderson Avenue, Fairview, NJ 07022. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and newspapers and express* in the same vehicle with passengers, (1) Between Hackensack, N.J., and Hackensack, N.J., (A) from junction of Essex Street and Polifly Road in Hackensack, N.J., then over Polifly Road to junction Interstate Highway 80 access road, then over Interstate Highway 80 access road to Interstate Highway 80 in Hackensack, N.J., and return over the same routes, using Interstate Highway 80 exit road at Polifly Road, serving all intermediate points; (B) from junction Summit Avenue and Essex Street in Hackensack, N.J., over Essex Street to junction Polifly Road, and return over the same routes serving intermediate points; (C) from junction New Jersey Highway 17 and Interstate Highway 80 in Hackensack, N.J., over Interstate Highway 80 access road to Interstate Highway 80 in Hackensack, N.J., and return over the same routes using Interstate Highway exit road at New Jersey Highway 17, serving all intermediate points;

(D) From the junction of Court Street and River Street in Hackensack, N.J., over River Street to junction South River Street, then over South River Street to junction Kennedy Street, then over Kennedy Street to junction Interstate Highway 80 access road, then over Interstate Highway 80 access road to Interstate Highway 80 in Hackensack, N.J., and return over the same routes using Interstate Highway 80 exit road at Kennedy Street serving all intermediate points; and (E) from the junction of Summit Avenue and Mary Street in Hackensack, N.J., over Mary Street to junction Polifly Road, then over Polifly Road to junction of Interstate Highway

80 access road, then over Interstate Highway 80 access road to Interstate Highway 80 in Hackensack, N.J., and return over the same routes using Interstate Highway 80 exit road at Polifly Road, serving all intermediate points; (2) Between Hasbrouck Heights, N.J., and Hackensack, N.J.; from the junction of Boulevard and Williams Avenue in Hasbrouck Heights, N.J., over Williams Avenue to junction Terrace Avenue, then over Terrace Avenue to junction Polifly Road, then over Polifly Road to Interstate Highway 80 access road, then over Interstate Highway 80 access road to Interstate Highway 80 in Hackensack, N.J., and return over the same routes using Interstate Highway 80 exit road at Polifly Road, serving all intermediate points; (3) Between Paramus, N.J., and Hackensack, N.J.; from junction of New Jersey Highway 17 and New Jersey Highway 4 in Paramus, N.J., over New Jersey Highway 17 to junction Interstate Highway 80 access road, then over Interstate Highway 80 access road to Interstate Highway 80 in Hackensack, N.J., and return over the same routes using Interstate Highway 80 exit road, at New Jersey Highway 17, serving no intermediate points; (4) Between Hackensack, N.J., and South Hackensack, N.J.;

(A) From junction Mercer Street and State Street in Hackensack, N.J., over State Street to junction South State Street, then over South State Street to junction Huyler Street in South Hackensack, then over Huyler Street to junction North Street in Teterboro, N.J., then over North Street to junction Interstate Highway 80 access road, then over Interstate Highway 80 access road to Interstate Highway 80 in South Hackensack, N.J., and on return Interstate Highway 80 exit road at Wesley Street in South Hackensack, N.J., to junction Wesley Street, then over Wesley Street to junction Huyler Street in South Hackensack, N.J., then over Huyler Street to junction South State Street in Hackensack, N.J., then over South State Street to State Street, then over State Street to Center Street in Hackensack, N.J., serving all intermediate points; and (B) from junction of Mercer Street and State Street in Hackensack, N.J., over State Street to junction South State Street, then over South State Street to junction Huyler Street in South Hackensack, N.J., then over Huyler Street to junction Leunning Street, then over Leunning Street to junction Green Street in South Hackensack, N.J., and Hackensack, N.J., then over Green Street to junction North Street, then over North Street to junction Interstate Highway 80 access road, then over Interstate Highway 80 access road to Interstate Highway 80 in South Hackensack, N.J., and return over Interstate Highway 80 exit road at Wesley Street in South Hackensack, N.J., to junction Wesley Street in Hackensack, N.J., then over Wesley Street to junction Green Street in South Hackensack, N.J., and Hasbrouck Heights, N.J.; then over Green Street to junction Leunning Street, then over Leunning Street to junction Huyler Street, then over Huyler Street to junction South State Street at South Hackensack, N.J., and Hackensack, N.J., boundary line, then over South State Street to junction State Street then over State Street to junction Mercer Street in Hackensack, N.J., serving all intermediate points;

(5) Between Teaneck, N.J., and Teaneck, N.J.; from the junction of Fort Lee Road and Teaneck Road in Teaneck, N.J., over Teaneck Road to DeGraw Avenue; then over DeGraw Avenue to junction Interstate Highway 95 access road, then over Interstate Highway 95 access road to junction Interstate Highway 95 in Teaneck, N.J., and return over the same routes using Interstate Highway 95 exit road and Glenwood Avenue to DeGraw Avenue, serving all intermediate points; (6) Between Rochelle Park, N.J., Lodi, N.J., and Lodi, N.J.; from junction Essex Street and Riverview Road in Lodi, N.J., at the Rochelle Park, N.J., boundary line, over Riverview Road to junction Interstate Highway 80 access road, then over Interstate Highway 80 access road to Interstate High way 80 in Lodi, N.J., and return over the same routes to Rochelle Park, N.J., at the Lodi, N.J.-Rochelle Park, N.J., boundary line using Interstate Highway 80 exit road at Riverview Road in Lodi, N.J., serving all intermediate points; (7) Between Rochelle Park, N.J., and Lodi, N.J.; from junction of Passaic Street and Rochelle Avenue in Rochelle Park, N.J., over Rochelle Avenue to junction Essex Street, then over Essex Street to junction Riverview Avenue at the Rochelle Park, N.J., and Lodi, N.J., boundary line then over Riverview Avenue to junction Interstate Highway 80 access road, then over Interstate Highway 80 access road to junction Interstate Highway 80 in Lodi, N.J., and return over the same routes, using Interstate Highway 80 exit road at Riverview Avenue, serving all intermediate points; (8) Between Fairlawn, N.J., and Saddle Brook, N.J.; from junction Plaza Road and Broadway in Fairlawn, N.J., then over Broadway to junction Midland Avenue, then over Midland Avenue to junction Pehle Avenue, then over Pehle Avenue to junction Interstate Highway 80 access road, then over Interstate Highway 80 access road to Interstate Highway 80 in Saddle Brook, N.J., and return over the same routes using Interstate Highway 80 exit road at Pehle Avenue, serving all intermediate points;

(9) Between Paterson, N.J., and Lodi, N.J.; from junction Broadway and 30th Street in Paterson, N.J., over Broadway to junction Boulevard in East Paterson, then over Boulevard to junction Market Street, then over Market Street to junction Essex Street, then over Essex Street to junction Riverview Avenue, then over Riverview Avenue to junction Interstate Highway 80 access road, then over Interstate Highway 80 access road to Interstate Highway 80 in Lodi, N.J., and return over the same routes using Interstate Highway 80 exit road at Riverview Avenue, serving all intermediate points; (10) Between Paterson, N.J., and Paterson, N.J.; (A) from junction of Market Street and Church Street in Paterson, N.J., over Church Street to junction Ellison Street, then over Ellison Street to junction Straight Street, then over Straight Street to junction Market Street, then over Market Street to junction Madison Avenue, then over Madison Avenue to junction Interstate Highway 80 access road, then over Interstate Highway 80 access road to Interstate Highway 80, Paterson, N.J., and return from Interstate Highway 80 over Interstate Highway 80 exit road at Madison Avenue to junction Madison Avenue, then over Madison Avenue to junction 16th Avenue, then over 16th Avenue to junction Market Street, then over Market Street to junction Church Street, serving all intermediate points; (B) from the junction of Market Street and Church Street in Paterson, N.J., over Church Street to junction Ellison Street, then over Ellison Street to junction Straight Street, then over Straight Street to junction Market Street, then over Market Street to junction Lakeview Avenue, then over Lakeview Avenue to Junction New Jersey Highway 20, then over New Jersey Highway 20 to junction Interstate Highway 80 access road, then over Interstate Highway 80 access road to junction Interstate Highway 80 in Paterson, N.J., and return from Interstate Highway 80 over Interstate Highway 80 exit road at Madison Avenue, then over Interstate Highway 80 exit road to junction Madison Avenue, then over Madison Avenue to junction 16th Avenue, then over 16th Avenue to junction Market Street, then over Market Street to junction Church Street, serving all intermediate points; and (C) from junction of Main Avenue and Madison Avenue in Paterson, N.J., over Madison Avenue to junction Interstate Highway 80 access road, then over Interstate Highway 80 in Paterson, N.J., and return over the same routes, serving all intermediate points; and

(11) Between Paterson, N.J., and New York, N.Y.; (A) from Paterson, N.J., over Interstate Highway 80 in Paterson, N.J., to junction Interstate Highway 95 at the Teaneck, N.J., and Ridgefield Park boundary line, then over Interstate Highway 95 and the George Washington Bridge to New York, N.Y., serving the intermediate point of Fort Lee, N.J., and for purpose of joinder to the proposed routes described herein before in paragraphs 1 to 10, serving the intermediate points of Saddle Brook, Rochelle Park, Lodi, Hackensack, South Hackensack, and Teaneck; and (B) from Paterson, N.J., over Interstate Highway 80 in Paterson, N.J. to junction Interstate Highway 80 exit road, then over Interstate Highway 80 exit road to junction Interstate Highway 95 access road at the Teaneck, N.J., and Ridgefield Park, N.J., boundary line, then over Interstate Highway 95 access road to junction Interstate Highway 95, then over Interstate Highway 95 to junction Interstate Highway 95 exit road in Ridgefield Park, N.J., then over Interstate Highway 95 exit road to junction New Jersey Turnpike access road, then over New Jersey Turnpike access road to junction New Jersey Turnpike, then over New Jersey Turnpike to

junction New Jersey Turnpike exit road in Secaucus, N.J., then over New Jersey Turnpike exit road to Interstate Highway 495, also known as New Jersey Highway 3, in North Bergen, N.J., also over New Jersey Turnpike exit road in Secaucus, N.J., to junction Paterson Road, then over Paterson Road to Interstate Highway 495, also known as New Jersey Highway 3, in North Bergen, N.J., then over Interstate Highway 495, also known as New Jersey Highway 3, to New York, N.Y., via the Lincoln Tunnel, and return over the same routes, using the New Jersey Turnpike access road in North Bergen, N.J., and its exit road in Ridgefield Park, N.J., and Interstate Highway 95 access road in Ridgefield Park, N.J., and its exit road and Interstate Highway 80 access road at the Ridgefield Park, N.J., and Teaneck, N.J., boundary line, serving the intermediate points of Secaucus, North Bergen, Union City and Weehawken, N.J., and for purposes of joinder to the proposed routes described hereinbefore in paragraphs 1 to 10, serving the intermediate points of Saddle Brook, Rochelle Park, Hackensack, South Hackensack, and Teaneck. NOTE: Applicant states it proposes to join the above-described proposed routes to all of its existing routes in Docket MC 668 and sub numbers thereunder and to provide service between all points on such routes and New York, N.Y., via the George Washington Bridge and the Lincoln Tunnel and requests lifting of its existing restrictions on New Jersey Highway 17 to permit joinder at the junction of routes 80 and 17 in Hackensack, N.J. Specifically, points which the applicant proposes to serve via the proposed routes are Oakland, Franklin Lakes, Wyckoff, Paterson, East Paterson, Midland Park, Ridgewood, Hohokus, Glen Rock, Hawthorne, Fair Lawn, Paramus, River Edge, Saddle Brook, Rochelle Park, Maywood, Hackensack, Hasbrouck Heights, Bogota, and Teaneck, N.J. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 1515 (Sub-No. 170), filed October 15, 1971. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113. Applicant's representative: Barrett Elkins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) between Spartanburg, S.C., and Asheville, N.C., from Spartanburg, S.C., over U.S. Highway 176 to junction of Interstate Highway 26, thence over Interstate Highway 26 to the junction of North Carolina Highway 191 and Interstate Highway 40, thence over North Carolina Highway 191 to Asheville, N.C., and return over the same route, serving no intermediate points but serving the junction of U.S. Highway 176 and Interstate Highway 85 and the junction of Interstate Highway 26 and Interstate Highway 40 for the purpose of joinder only; (2) between the junction of Interstate Highway 26 and North Carolina Highway 108 and the junction of Interstate Highway 26 Connector and Interstate Highway 26, from the junction of Interstate Highway 26 and North Carolina Highway 108 over North Carolina Highway 108 to junction North Carolina Secondary Highway 1121, thence over North Carolina Secondary Highway 1121 to junction U.S. Highway 176, thence over U.S. Highway 176 to junction Interstate Highway 26 Connector, thence over Interstate Highway 26 Connector to junction Interstate Highway 26 and return over the same route, serving no intermediate points but serving the termini for the purpose of joinder only; (3) between Hendersonville, N.C., and the junction of U.S. Highway 64 and Interstate Highway 26, from Hendersonville, N.C., over U.S. Highway 64 to the junction of Interstate Highway 26 and return over the same route, serving no intermediate points but serving the junction of U.S. Highway 64 and Interstate Highway 26 for the purpose of joinder only; and (4) between Hendersonville, N.C., and the junction of U.S. Highway 176 and Interstate Highway 26 Connector, from Hendersonville, N.C., over U.S. Highway 25 to junction U.S. Highway 176, thence over U.S. Highway 176 to junction Interstate Highway 26 Connector and return over the same route, serving no intermediate points but serving the junction of U.S. Highway 176 and Interstate Highway 26 Connector for the purpose of joinder only. Restriction: No passenger may be carried whose entire trip is between Asheville, N.C., on the one hand, and Spartanburg, S.C., Gastonia, N.C., and Charlotte, N.C., on the other, or between Hendersonville, N.C., on the one hand, and, Spartanburg, S.C., Gastonia, N.C., and Charlotte, N.C., on the other, or reverse. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 85819 (Sub-No. 5), filed October 12, 1971. Applicant: GULF COAST MOTOR LINES, INC., 105 South Myrtle Avenue, Clearwater, FL 33516. Applicant's representative: S. Harrison Hahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Passengers and their baggage*, in round-trip charter operations and in round-trip sightseeing and pleasure tours, beginning and ending at points in Pinellas, Hillsborough, Pasco, Hernando, Sumpter, Lake, and Orange Counties, Fla., and extending to points in the United States (except Hawaii) and (b) *passengers and their baggage* in charter operations from points on the applicant's regular routes in Florida to points in the United States (except Hawaii) and return, to Wit: (1) Between Weeki Wachee and St. Petersburg, Fla., serving all intermediate points; over U.S. Highway 19 (also over alternate route U.S. Highway 19) and (2) between Weeki Wachee, Fla., and Orlando, Fla., serving all intermediate points; from Weeki Wachee over Florida Highway 50 to Orlando and return over the same route. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Petersburg or Tampa, Fla.

No. MC 118848 (Sub-No. 14), filed October 8, 1971. Applicant: DOMENICO BUS SERVICE, INC., 75 New Hook Access Road, Bayonne, NJ 07102. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between the Borough of Richmond (Staten Island), N.Y., and the Borough of Manhattan, N.Y., serving all intermediate points (except those in New Jersey and those in Port Richmond, (Staten Island), N.Y.: From junction Barrett Avenue and Forest Avenue in West New Brighton, Staten Island, N.Y., over Forest Avenue to access roads to the Willow Brook Expressway, thence over the Willow Brook Expressway to the Bayonne Bridge, thence over the Bayonne Bridge to Kennedy Boulevard, in Bayonne, N.J., thence over North Street to Avenue C, thence over Avenue C to 54th Street, thence over 54th Street to Broadway, thence over Broadway to 53d Street, thence over 53d Street to Interchange 14A of the New Jersey Turnpike, thence over the New Jersey Turnpike to Interchange 14C of the New Jersey Turnpike, in Jersey City, N.J., thence exit roads to 12th Street (also known as Entrance Plaza), thence over 12th Street to the Holland Tunnel, thence through the Holland Tunnel to Manhattan, N.Y., and return over the same route (except (1) that on return on leaving the Holland Tunnel operations will be conducted over 14th Street (also known as Exit Plaza) to Interchange 14C of the New Jersey Turnpike, (2) that on leaving the New Jersey Turnpike at 14A, in Bayonne, N.J., operations will be conducted over 53d Street to Broadway, thence over Broadway to 55th Street, thence over 55th Street to Avenue C, and (3) that on leaving Willow Brook Expressway in Staten Island, N.Y., operations will be conducted over exit roads to Forest Avenue in Port Richmond, Staten Island, N.Y., subject to the restriction that passengers shall be transported only between Staten Island, N.Y., on the one hand, and, on the other, Manhattan, N.Y.). NOTE: Applicant states that it proposes to tack the authority sought with its existing authority in lead docket No. 118848 Sub 4, and subs thereto, so as to provide service between Staten Island, N.Y., and Manhattan, N.Y., via the above described route. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

APPLICATION FOR WATER CARRIER

No. W-586 (Sub-No. 4) (PUGET SOUND TUG & BARGE COMPANY—Extension—INTERCOASTAL) (2), filed October 28, 1971. Applicant: PUGET SOUND TUG & BARGE COMPANY, a corporation, 1102 Southwest Massachusetts Street, Seattle, WA 98134. Applicant's representative: John Cunningham, Tower Building, 1401 K Street NW., Washington, DC 20005. By application filed October 28, 1971, applicant seeks

revision of certificate (No. W-586) to cover the following proposed changes in service: Operation as a common carrier by water, in interstate or foreign commerce, by towing vessels in the performance of towage and by non-self-propelled vessels with the use of separate towing vessels in the transportation of *commodities* exceeding 19 feet in height, 12 feet in width, 90 feet in length or 100 tons in weight, *component parts thereof, and related equipment,* between ports and points on the Atlantic and Gulf of Mexico coasts and tributary waterways, on the one hand, and, on the other, ports and points along the Pacific Coast and tributary waterways.

APPLICATION FOR FREIGHT FORWARDER

No. FF-260 (Sub-No. 3) TRIPLE R TRUCKING COMPANY, INC.—EXTENSION—MAINE, filed October 27, 1971. Applicant: TRIPLE R TRUCKING COMPANY, INC., 101 Flamingo Street, Atlantic Beach, NY 11509. Applicant's representative: Morris Honig, 150 Broadway, New York, NY 10038. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to extend operation as a freight forwarder, in interstate or foreign commerce, through the use of the facilities of common carriers by motor vehicle in the transportation of: *Baggage and personal effects of campers,* between New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y.; and Bergen Essex, Passaic, Union, Hudson, Mercer, Monmouth, Ocean, Burlington, Camden, Gloucester, Salem, and Atlantic Counties, N.J.; Bucks, Chester, Montgomery, and Philadelphia Counties, Pa.; Fairfield, New Haven, and Hartford Counties, Conn.; Baltimore County, Md.; Washington, D.C., New Castle and Kent Counties, Del., and Fairfax County, Va., on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont.

No. FF-341 (Sub-No. 3) INTERMOUNTAIN FAST FREIGHT—EXTENSION—WESTERN STATES, filed October 27, 1971. Applicant: INTERMOUNTAIN FAST FREIGHT, 1426 East Fourth Street, Los Angeles, CA. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to extend operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, water and motor vehicle in the transportation of: *General commodities,* between points in Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-16405 Filed 11-10-71;8:45 am]

ASSIGNMENT OF HEARINGS

NOVEMBER 8, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 73688 Sub 45, Southern Trucking Corp., assigned January 17, 1972, at Kansas City, Mo., in a hearing room to be later designated.

MC 111231 Sub 169, Jones Truck Lines, Inc., assigned January 17, 1972, at Kansas City, Mo.

MC 111729 Sub 319, American Courier Corp., assigned January 13, 1972, at Kansas City, Mo.

MC 119493 Sub 65, Monkem Co., Inc., assigned January 17, 1972, at Kansas City, Mo.

MC 134966 Sub 1, Clear Water Truck Co., Inc., assigned January 11, 1972, at Kansas City, Mo.

MC 120098 Sub 19, Uintah Freightways, assigned November 8, 1971, cancelled and application dismissed.

MC 116947 Sub 16, Hugh H. Scott, doing business as Scott Transfer Co., and MC 126276 Sub 45, Fast Motor Service, Inc., assigned January 10, 1972, in Room 309, 1252 West Peachtree Street NW., Atlanta, GA.

MC 115496 Sub 13, Lumber Transport, Inc., assigned January 11, 1972, in Room 309, 1252 West Peachtree Street NW., Atlanta, GA.

MC 135425 Sub 1, Cycles, Limited, assigned January 12, 1972, in Room 309, 1252 West Peachtree Street NW., Atlanta, GA.

MC 133937 Sub 8, Carolina Cartage Co., Inc., assigned January 13, 1972, in Room 309, 1252 West Peachtree Street NW., Atlanta, GA.

MC-F-11187, Motek Corp.—Control—C. S. I., Inc., assigned November 11, 1971, canceled and transferred to Modified procedure.

MC 114239 Sub 26, Farris Truck Line, assigned January 10, 1972, at Kansas City, Mo.

MC 59680 Sub 190, Strickland Transportation Co., assigned November 29, 1971, at Washington, D.C., is postponed indefinitely.

MC 40915 Sub 46, Boat Transit, Inc., assigned December 1, 1971, is postponed to January 26, also at Washington, D.C., at the Offices of the Interstate Commerce Commission.

MC 134928, Donald L. Myers doing business as L & D Cartage, now being assigned hearing January 17, 1972, in Room 309, 1252 West Peachtree Street NW., Atlanta, GA.

MC-F-11133, MC 128944 Sub 9, Reliable Truck Lines MC-F-11134, MC 55889 Sub 39, Cooper Transfer Co., MC-F-11143, MC 11220 Sub 123, Gordon Transport, MC-F-11150, MC 59583 Sub 130, The Mason & Dixon Lines, now assigned December 6, 1971, at Montgomery, Ala., will be held in the GSA Conference Room, 2d Floor Aronov Building.

MC 107839 Sub 146, Denver-Albuquerque Motor Transport, now assigned December 14, 1971, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street NW.

MC 107515 Sub 752, Refrigerated Transport, now assigned December 15, 1971, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street NW.

MC 63339 Sub 317, C & H Transportation, now assigned December 17, 1971, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street NW.

MC 11207 Sub 303, Deaton, Inc., now assigned December 13, 1971, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street NW.

MC-C-7559, W. T. Mayfield, Sons Trucking, now assigned December 16, 1971, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street NW.

MC 98952 Sub 25, General Transfer Co., now assigned November 10, 1971, at Indianapolis, Ind., is postponed indefinitely.

MC 51146 Sub 203, Schneider Transport & Storage, Inc., assigned January 24, 1972, at Chicago, Ill.

MC 107295 Sub 505, Pre-Fab Transit, assigned January 28, 1972, at Chicago, Ill.

MC 119619 Sub 50, Distributors Service Co., assigned February 1, 1972, at Chicago, Ill.

MC 126346 Sub 9, Haupt Contract Carriers, Inc., assigned January 26, 1972, at Chicago, Ill.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-16495 Filed 11-10-71;8:50 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 8, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42299—*Soda ash to Freeport, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-264), for interested rail carriers. Rates on soda ash, in bulk in covered hopper cars, as described in the application, from Alchem, Stauffer, and Westvaco, Wyo., to Freeport, Tex.

Grounds for relief—Rate relationship.

Tariff—Supplement 106 to Southwestern Freight Bureau, agent, tariff ICC 4832. Rates are published to become effective on December 13, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-16494 Filed 11-10-71;8:50 am]

[Notice 780]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 8, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(b) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order

in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73090. By order of November 2, 1971, the Motor Carrier Board approved the transfer to Super-Rite Freightways, Inc., a corporation, Rock Island, Ill., of the operating rights in Certificate No. MC–6806, issued March 17, 1947, to W. B. Simmon, Rock Island, Ill., authorizing the transportation of (1) walnut logs, from points in Scott County, Iowa, to Rock Island and Mendota, Ill.; (2) general commodities with exceptions, and excluding household goods as defined by the Commission, between points in Illinois and Iowa within 25 miles of Rock Island, Ill., including Rock Island; and (3) household goods as defined by the Commission, between Rock Island, Ill., and points in Illinois and Iowa within 25 miles of Rock Island on the one hand, and, on the other, points in Indiana, Illinois, and Iowa, James T. Londrigan, Attorney at Law, 620 East Edwards Street, Springfield, IL 62705.

No. MC–FC–73220. By order of November 2, 1971, the Motor Carrier Board approved the transfer to Perdue Incorporated, Salisbury, Md., of Certificate No. MC–134415 (Sub-No. 2), issued June 8, 1971, to Perdue Foods, Inc., Salisbury, Md., authorizing the transportation of: Passengers, in special operations, from points in Northampton and Accomack Counties, Va., to the plant site of Perdue Foods, Inc., at Salisbury, Md., and return, Al Lynch, Perdue Incorporated Box 21, Accomac, Va., representative for applicants.

No. MC–FC–73236. By order of November 3, 1971, the Motor Carrier Board approved the transfer to Earo, Inc., Fort Meade, Fla., of Certificate No. MC–134411, issued August 20, 1970, to Honey Transport, Inc., Eustis, Fla. authorizing the transportation of: Canned citrus products, canned juices, canned beverages, and canned beverage preparations, from the plantsite of Tropicana Products Sales, Inc., at Bradenton, Fla., to points in Kentucky, Ohio, Indiana, Michigan, Tennessee, West Virginia, Pennsylvania, Virginia, Maryland, and the District of Columbia, restricted to the transportation of traffic originating at the above-named origin point and destined to the above-named destination points and further restricted against the transportation of commodities in bulk. Frank L. Kunberger, 40 Langford Street, Fort Meade, FL 33841 and William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006, attorney for applicants.

No. MC–FC–73246. By order of November 3, 1971 the Motor Carrier Board approved the transfer to Riteway Transport, Inc., Phoenix, Ariz., of the operating rights in Certificate No. MC–134350 issued February 22, 1971, to System Transport Corp., Phoenix, Ariz., and MC–134350 (Sub-No. 2) issued June 24, 1969 in the name of Riteway Transport, Inc., Phoenix, Ariz., in No. MC–1334 (Sub-No. 7) and acquired by transferor herein pursuant to MC–FC–72825, approved by the Commission, Motor Carrier Board, by order entered July 22, 1971, authorizing the transportation of general commodities, with exceptions, and specified commodities between specified points and areas in Colorado and New Mexico. Robert R. Digby, 217 Luhrs Tower, Phoenix, AZ 85003, attorney for applicants.

No. MC–FC–73250. By order of November 2, 1971, the Motor Carrier Board approved the transfer to Law Express, Inc., Los Angeles, Calif., of a portion of Certificate of Registration No. MC–120058 (Sub-No. 2) issued June 1, 1964, to Same Day Delivery Service, a corporation, Santa Fe Springs, Calif., authorizing the transportation of: General commodities, with certain exceptions, between points in that area of California known as the Los Angeles basin territory. Donald Murchison, attorney, 9454 Wilshire Boulevard, Beverly Hills, CA 90212.

No. MC–FC–73251. By order of November 2, 1971, the Motor Carrier Board approved the transfer to Auto Fast Freight, Inc., San Bernardino, Calif., of a portion of Certificate of Registration No. MC 120058 (Sub-No. 2) issued June 1, 1964, to Same Day Delivery Service, a corporation, Santa Fe Springs, Calif., authorizing the transportation of: General commodities, with certain exceptions, between points in those areas of California known as the Los Angeles basin territory and the San Diego territory. Donald Murchison, attorney, 9454 Wilshire Boulevard, Beverly Hills, CA 90212.

No. MC–FC–73254. By order of November 2, 1971, the Motor Carrier Board approved the transfer to Pat's Van Lines, Inc., Kansas City, Mo., of that portion of certificate No. MC–129385 (Sub-No. 1), issued July 9, 1971, to American Freight Lines, Inc., Kansas City, Mo., authorizing the transportation of: Household goods, between Polo, Mo., and points within 20 miles of Polo, Mo., on the one hand, and, on the other, points in Iowa and Kansas. Donald J. Quinn, Suite 900, 1012 Baltimore Avenue, Kansas City, Mo. 64105, attorney for applicants.

No. MC–FC–73261. By order of November 2, 1971, the Motor Carrier Board approved the transfer to Gary Skoug, doing business as Skoug Trucking, Gilmanton, Wis., of the operating rights in certificate No. MC–102903 issued April 29, 1970, to Jeffrey M. Reglin, Alma, Wis., authorizing the transportation of animal and poultry feed, and seed, from Minneapolis, St. Paul, South St. Paul, Newport, Hastings, Red Wing, Lake City, and Wabasha, Minn., to points in the towns of Maxville, Nelson, Modena, and Alma, in Buffalo County, Wis.; and livestock and unprocessed agricultural commodities, between South St. Paul, Newport, Hastings, Red Wing, Lake City, and Wabasha, Minn., on the one hand, and, on the other, points in the above-specified Wisconsin towns. A. R. Fowler, registered practitioner, 2288 University Avenue, St. Paul, MN 55114, representative for applicants.

No. MC–FC–73265. By order of November 2, 1971, the Motor Carrier Board approved the transfer to Robert N. George, New Castle, Pa., of certificate Nos. MC–113709 (Sub-No. 1) and MC–113709 (Sub-No. 3), issued February 11, 1955 and September 9, 1970, to W. D. Rubright Co., a corporation, Zelienople, Pa., authorizing the transportation of: Corn syrup and condensed milk, in bulk, in tank vehicles, from Pittsburgh and Titusville, Pa., to points in West Virginia, New York and Ohio. Jerome Solomon, attorney, 1020 Grant Building, Pittsburgh, PA 15219.

No. MC–FC–73267. By order of November 3, 1971, the Motor Carrier Board approved the transfer to Paul A. Johnson, Fort Worth, Tex., of the operating rights in certificates Nos. MC–118130, MC–118130 (Sub-No. 11), MC–118130 (Sub-No. 15), MC–118130 (Sub-No. 18), MC–118130 (Sub-No. 26), MC–118130 (Sub-No. 27), MC–118130 (Sub-No. 31), MC–118130 (Sub-No. 34), MC–118130 (Sub-No. 47), MC–118130 (Sub-No. 55), MC–118130 (Sub-No. 56), and MC–118130 (Sub-No. 62) issued March 4, 1965, March 4, 1965, July 25, 1966, May 9, 1966, August 12, 1966, March 31, 1967, July 8, 1966, November 29, 1966, May 6, 1968, February 10, 1969, January 8, 1968 and July 15, 1971, respectively to Ben Hamrick, Inc., Fort Worth, Tex., authorizing the transportation of various commodities from and to points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming. Lawrence A. Winkle, 2005 One Elm Place, Dallas, TX 75250, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–16493;Filed 11–10–71;8:50 am]

[No. 35416]

DETENTION RULES

Petition for Interpretation

OCTOBER 29, 1971.

Notice is hereby given that Hermann Forwarding Co. and The Goodyear Tire & Rubber Co. filed a joint petition on May 4, 1971, seeking a determination, upon the facts presented therein, of the applicability of the detention rules published in items 50 and 530–14B, Supplement 26, Middle Atlantic Conference Tariff 10–U, MF–ICC No. A–2081,[1] to less-than-truckload (LTL) pool truck distribution shipments handled by Hermann for Goodyear at North Brunswick, N.J.

As here pertinent, item 50 provides:

This item applies when carriers' vehicles (Note A) are delayed or detained at premises

[1] The detention rules published under item 50, which relates to truckload traffic, were prescribed by the Commission in Detention of Motor Vehicles—Middle Atlantic and New England, 325 ICC 336 (1965). The detention rules published under item 530–14B apply on less-than-truckload traffic.

of consignor, consignee, or other places designated by consignor, consignee, subject to the following provisions:

SEC. 1. *General Provisions:*

(a) This item applies only to vehicles which have been ordered or used to transport shipments subject to truckload rates. If the shipment is moving on a rate subject to a stated minimum weight of 12,000 pounds or more; and such rate is not designated as a truckload rate, it will be considered a truckload rate for the purpose of applying this item.

(b) This item applies only when vehicles are delayed or detained at the places of pickup or delivery and only when such delay or detention is attributable to consignor, consignee, or others designated by them.

(c) Free time for each vehicle will be as provided in sec. 3.

(d) After the expiration of free time as herein provided, charges as provided in sec. 4 will be assessed against the shipment.

In support of the request, petitioners aver (1) that Hermann, a motor common carrier, picks up less-than-truckload (LTL) shipments of motor vehicle tires and tire materials at Goodyear's distribution center at North Brunswick, N.J., for peddle delivery at various points served by Hermann's terminal at Pennsauken, N.J., (2) that since most of these shipments weight 12,000 pounds or more, they move part of the way at truckload rates as provided under pool truck distribution privileges; (3) that in order to avoid unnecessary terminal handling expense, the driver remains with his linehaul tractor and trailer at Goodyear's North Brunswick facility while sorting and loading the freight in such a manner as to permit each lot to be unloaded in a reverse sequence upon delivery to numerous consignees; (4) that this sorting and rehandling service would otherwise have to be performed at Hermann's terminals at North Brunswick or Pennsauken at a considerably greater expense; (5) that upon investigating detention practices at Goodyear's facility, the Commission's field representative instructed Hermann that with respect to LTL shipments accorded commodity rates under pool truck distribution privileges, detention charges were applicable under tariff item 50 for all detention time in excess of the tariff free time allowance and that Goodyear should be billed for such detention; and (6) that Hermann reluctantly complied with those instructions.

Petitioners take the position that under section 1(b) of item 50, as heretofore quoted, no detention charges are applicable since the above facts clearly indicate that any delay or detention of carrier's equipment is not attributable to consignor Goodyear, or any of the consignees or any others designated by then, and that the delay is attributable to Hermann's efforts to avoid unnecessary handling of freight. Petitioners therefor request the Commission to enter an order formally resolving the conflicting interpretations with respect to the application of detention charges upon the facts recited in the petition.

A copy of this notice will be served upon the petitioners; and notice of the filing of this petition will be given to the general public by depositing a copy of this notice in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication therein.

Any person interested in any of the matters in the petition, and desiring to participate in any further proceedings may, on or before 30 days from the date of publication of this notice in the FEDERAL REGISTER, file replies to the petition indicating whether they support or oppose the determination sought. An original and 15 copies of such replies must be filed with the Office of Proceedings of this Commission (Room 5354) and must show service of two copies thereof upon petitioners' attorney, Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Thereafter, the nature of further proceedings herein, if any, will be designated. The petition and written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C., during regular business hours.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-16497 Filed 11-10-71;8:51 am]

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PART II

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

■

HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Notice of Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 76]

HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114a, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), the Department of Agriculture is considering revising the regulations relating to hog cholera and other communicable diseases of swine (9 CFR Part 76) to read as follows:

GENERAL PROVISIONS

Sec.

GENERAL PROVISIONS

§ 76.1 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section.

(a) *Administrator.* The Administrator of the Animal and Plant Health Service, U.S. Department of Agriculture, or any other official of such Service to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(b) *Division.* The Animal Health Division, Animal and Plant Health Service, U.S. Department of Agriculture.

(c) *Director.* The Director of the Division or any other official of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *Hog cholera.* The contagious, infectious, and communicable disease of swine commonly known as hog cholera.

(e) *Exposed swine.* Any swine that have been in contact with animals known to be or suspected of being affected with hog cholera; any swine which have been inoculated with modified live virus vaccine after January 1, 1970; any swine which have been inoculated with any other virulent hog cholera virus at any time; any swine which have been inoculated with killed or inactivated hog cholera virus vaccine other than as provided in § 76.1(w); or any swine which have been in contact with such vaccinates.

(f) *Virulent hog cholera virus.* The living agent capable of causing hog cholera found:

(1) In the clear serum, plasma, defibrinated blood, whole blood or other tissue derived from pigs affected with hog cholera; or

(2) In any material used as a medium for perpetuating such living agent; or

(3) In living hog cholera virus vaccine commonly known as modified live virus vaccine.

(g) *Modified live virus vaccine.* A living hog cholera virus vaccine produced from a modified or attenuated strain of hog cholera virus and prepared under license from the Secretary of Agriculture, issued pursuant to Subchapter E of this chapter.

(h) *Killed or inactivated hog cholera virus vaccine.* A vaccine produced from killed or inactivated hog cholera virus and prepared under license from the Secretary of Agriculture, issued pursuant to Subchapter E of this chapter.

(i) *Garbage.* Waste consisting in whole or in part of animal waste, including any animal carcasses or the offal from such carcasses, or parts thereof, but excluding waste from ordinary household operations which is fed directly to swine on the same premises where such household is located.

(j) *Raw garbage.* Garbage that has not been heated throughout to boiling or equivalent temperature (usually 212° F. at sea level) for 30 minutes, or heated according to a method approved in specific cases by the Director[1] as adequate to prevent the spread of hog cholera.

(k) *Food waste.* Edible waste (for animal use) derived from garbage that has been heated throughout to boiling or equivalent temperature (usually 212° F. at sea level) for 30 minutes, or heated according to a method approved in specific cases by the Director[1] as adequate to prevent the spread of hog cholera.

(l) *State.* Any State, Puerto Rico, or the District of Columbia.

(m) *Interstate.* From one State into or through any other State.

(n) *Quarantined area.* A State, or portion of a State, quarantined under § 76.2(e) because of hog cholera or other contagious, infectious, or communicable disease of swine.

(o) *Nonquarantined area.* Any State, or portion of a State, not quarantined under this part.

(p) *Person.* Any individual, corporation, company, association, firm, partnership, society, or joint stock company or other legal entity.

(q) *Moved.* Shipped, transported, or otherwise moved, or delivered or received for movement, by any person, by land, water, or air.

(r) *Approved livestock market.* A stockyard, livestock market, buying station, concentration point, or any other premises, under State or Federal veterinary supervision where swine are assembled for sale or sale purposes, and which has been approved by the Director under § 76.18.

(s) *Nonapproved livestock market.* A stockyard, livestock market, buying station, concentration point, or any other premises, other than an approved livestock market, where swine are assembled for sale or sale purposes.

(t) *Recognized slaughtering establishment.* A slaughtering establishment where State or Federal meat inspection is available.

(u) *Swine product.* Any carcass, part, or offal of swine, or product thereof.

(v) *Special processing.* Subjecting a swine product to heat treatment in accordance with the requirements contained in § 76.14.

(w) *Official vaccinates.* Swine which are permanently identified as official vaccinates; were reported at the time of vaccination to the appropriate State or Federal agency; have never received official serum prophylaxis; were vaccinated against hog cholera prior to July 1, 1969, with a modified live virus hog cholera vaccine approved under this part prior to July 1, 1969, administered in accordance with the recommendations on the vaccine label; or were vaccinated prior to January 1, 1970, with a killed or inactivated hog cholera virus vaccine administered in accordance with the recommendations on the vaccine label.

(x) *Official serum prophylaxis.* The inoculation of swine with anti-hog-cholera serum or hog cholera antibody concentrate, as prescribed in § 76.17, under the supervision of a Federal or State veterinary official, with permanent identification of such swine as having been so inoculated.

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[1] Requests for approval of other methods may be made to the Veterinarian in Charge, Animal Health Division, Animal and Plant Health Service, U.S. Department of Agriculture, for the State in question.

(y) *Farm of origin.* A farm where the swine to be shipped interstate were born and which has not been used within the 6 months prior to such shipment to assemble, buy, or sell swine brought in from other sources.

(z) *Slaughter market.* An approved livestock market in a quarantined area, the approval of which has been suspended as provided in § 76.18(c), or an approved livestock market at which swine for sale and shipment for slaughter are handled only on days when no swine are handled for sale and shipment for feeding or breeding purposes, and which is cleaned and disinfected in accordance with the requirements of this part, before any swine for feeding or breeding purposes are handled thereat.[2]

(aa) *Eradication state.* Any State listed in § 76.2(f) of this part.

(bb) *Free state.* Any State listed in § 76.2(g) of this part.

(cc) *Division inspector.* A veterinarian or livestock inspector of the Animal and Plant Health Service, U.S. Department of Agriculture, authorized to perform the function involved.

(dd) *State inspector.* A veterinarian or livestock inspector regularly employed in animal health activities by a State or a political subdivision thereof, authorized by such State or political subdivision to perform the function involved under a cooperative agreement with the U.S. Department of Agriculture.

(ee) *Accredited veterinarian.* An accredited veterinarian as defined in Part 160 of this chapter.

§ 76.2 Notice relating to existence of contagion of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines; eradication States; free States.

(a) Notice is hereby given that the contagion of hog cholera exists in each area specified in paragraph (e) of this section and that the contagion of hog cholera and other communicable diseases of swine may exist in each State.

(b) Notice is hereby given that the Administrator has determined that the prohibition of the interstate movement of any hog cholera virus, except as specified in § 76.4, is necessary in order to effectuate the eradication of hog cholera.

(c) Notice is hereby given that there is reason to believe raw garbage is one of the primary media through which the contagion of hog cholera, swine erysipelas, trichinosis, tuberculosis, and other contagious, infectious, or communicable diseases of swine is disseminated. Further, there is reason to believe that if certain foreign diseases, such as foot-and-mouth disease and African swine fever, gain entrance into the United States, the contagion of such diseases may be spread through the medium of raw garbage. Therefore, the regulations in this part are deemed necessary in order to more effectually prevent, suppress and extirpate such diseases, to prevent the interstate spread thereof, and to guard against the dissemination of diseases from foreign countries.

(d) Notice is hereby given that in order to effectually suppress and extirpate hog cholera and other contagious, infectious, and communicable diseases of swine, to prevent the spread and dissemination of the contagion thereof and to protect the livestock of the United States, the regulations in this part are promulgated to govern the interstate movement of swine and swine products.

(e) *Notice of quarantine.* Notice is hereby given that because of the existence of the contagion of hog cholera in the following areas of the State of Pennsylvania and the Commonwealth of Puerto Rico, such areas are quarantined because of said disease:

Pennsylvania—Huston Township, Blair County.
The Commonwealth of Puerto Rico—Entire Commonwealth.

(Additional quarantine area detail will be provided in final publication of these proposed amendments.)

(f) Notice is hereby given that systematic procedures have been in effect to detect and eradicate the disease of hog cholera for more than 3 months in the following States; that there is no clinical evidence that the contagion of the disease exists within such States, except in primary unrelated instances where the infected herd has been depopulated; and that such States are hereby designated as hog cholera eradication States:

Alabama.	New Mexico.
Arkansas.	New York.
Illinois.	North Carolina.
Indiana.	Ohio.
Louisiana.	Oklahoma.
Massachusetts.	Rhode Island.
Minnesota.	South Carolina.
Mississippi.	Tennessee.
Missouri.	Virginia.
New Hampshire.	Commonwealth of
New Jersey.	Puerto Rico.

(g) Notice is hereby given that systematic procedures have been in effect to detect and eradicate the disease of hog cholera for more than 1 year in the following States; that a period of more than 1 year has passed since there has been clinical evidence that the contagion of the disease exists within such States, except in primary unrelated instances where the infected herd has been depopulated; and that such States are hereby designated as hog cholera free States: *Provided,* That any States which are removed from the listing in this paragraph (g) may requalify for such listing when application of systematic procedures for 6 consecutive months has not detected clinical evidence of the contagion of hog cholera:

Alaska.	Georgia.
Arizona.	Hawaii.
California.	Idaho.
Colorado.	Iowa.
Connecticut.	Kansas.
Delaware.	Kentucky.
Florida.	Maine.
Maryland.	South Dakota.
Michigan.	Utah.
Montana.	Vermont.
Nebraska.	Washington.
Nevada.	West Virginia.
North Dakota.	Wisconsin.
Oregon.	Wyoming.
Pennsylvania.	District of Columbia.

§ 76.3 General restrictions.

Swine or swine products referred to in this part may not be moved interstate except in accordance with the regulations in this part.

§ 76.4 Interstate movement of hog cholera virus prohibited, except as provided.

Virulent hog cholera virus shall not be moved interstate, except that:

(a) In specific cases and under such conditions as he may impose to prevent the interstate spread of hog cholera and to effectuate the hog cholera eradication program, the Director may authorize the interstate movement of stated quantities of virulent hog cholera virus and modified live hog cholera virus for particular purposes if he determines that such movement will not endanger swine or impair the hog cholera eradication program. When so moved, such virus shall be accompanied by a permit from the appropriate official of the State of destination and a certificate issued by the Animal Health Division, Animal and Plant Health Service, U.S. Department of Agriculture, specifying any conditions imposed regarding the specific shipment.

(b) In specific cases and under such conditions as he may impose to prevent the interstate spread of hog cholera and to effectuate the hog cholera eradication program, the Director of the Veterinary Biologics Division or his representative may authorize the interstate movement of stated quantities of virulent hog cholera virus for export, research, or biologics production if he determines that such movement will not endanger swine or impair the hog cholera eradication program. When so moved for purposes other than export, such virus shall be accompanied by a permit from the appropriate official of the State of destination and shall in all cases, including export, be accompanied by a certificate issued by the Director of the Veterinary Biologics Division or his representative specifying any such conditions imposed regarding the specific shipment.

§ 76.5 Interstate movement of swine affected with or exposed to hog cholera.

(a) Swine affected with hog cholera may not be moved interstate for any purpose.

(b) Exposed swine (as defined in § 76.1(e)) may be moved interstate as provided in this paragraph (b) from any State to a recognized slaughtering establishment for immediate slaughter and special processing in accordance with Schedule A of § 76.12.

§ 76.6 Interstate movement of certain swine not affected with or exposed to hog cholera.

(a) Swine not known to be affected with or exposed to hog cholera, may be

[2] Information concerning slaughter markets can be obtained from the Veterinarian in Charge, Animal Health Division, Animal and Plant Health Service, U.S. Department of Agriculture, for the State in question.

moved interstate from any nonquarantined area to a recognized slaughtering establishment for immediate slaughter, or to an approved livestock market for sale for immediate slaughter without further restriction under this part.

(b) Swine not known to be affected with or exposed to hog cholera, may be moved interstate from any nonquarantined area for feeding and breeding purposes as provided in this paragraph (b):

(1) From an approved livestock market in any State:

(i) To an approved livestock market in accordance with Schedule B of § 76.12.

(ii) To any point other than a nonapproved livestock market in accordance with Schedule B of § 76.12.

(2) From a farm of origin in any State:

(i) To an approved livestock market in accordance with Schedule C of § 76.12.

(ii) To any point other than a nonapproved livestock market in accordance with Schedule C of § 76.12.

(3) From any premises in any State, other than a farm of origin or an approved or nonapproved livestock market:

(i) To an approved livestock market in accordance with Schedule D of § 76.12.

(ii) To any point other than a nonapproved livestock market in accordance with Schedule D of § 76.12.

(4) From an approved livestock market in an eradication or free State which receives swine only from eradication or free States:

(i) To an approved livestock market in accordance with Schedule E of § 76.12.

(ii) To any point other than a nonapproved livestock market in accordance with Schedule E of § 76.12.

(5) From a farm of origin in an eradication or free State:

(i) To an approved livestock market in accordance with Schedule F of § 76.12.

(ii) To any point other than a nonapproved livestock market in accordance with Schedule F of § 76.12.

(6) From any premises in an eradication or free State, other than a farm of origin, or an approved or nonapproved livestock market:

(i) To an approved livestock market in accordance with Schedule G of § 76.12.

(ii) To any point other than a nonapproved livestock market in accordance with Schedule G of § 76.12.

(c) Swine not known to be affected with or exposed to hog cholera may be moved interstate from any nonquarantined area for exhibition purposes as provided in paragraph (b) of this section.

§ 76.7 Interstate movement of vaccinated swine.

(a) Official vaccinates may be moved interstate in accordance with the same restrictions and conditions which apply to nonvaccinated swine under the provisions of this part.

(b) Notwithstanding any other provisions of this part, swine treated with approved modified live virus vaccine after July 1, 1969, but prior to January 1, 1970, or treated with other virulent hog cholera virus prior to April 1, 1966, may be moved interstate only from a nonquarantined area and if they are not known to be affected with or otherwise exposed to hog cholera and if they are consigned to a recognized slaughtering establishment for immediate slaughter.

§ 76.8 Interstate movement of swine from a quarantined area.

Swine may be moved interstate from a quarantined area in accordance with the provisions of this section.

(a) Exposed swine (as defined in § 76.1(e)) may be moved interstate as provided in § 76.5(b).

(b) Swine not known to be affected with or exposed to hog cholera may be moved interstate from a quarantined area as provided in this paragraph only for immediate slaughter or for sale and shipment for immediate slaughter. Such swine may be so moved interstate:

(1) From any point other than an approved or nonapproved livestock market:

(i) To a recognized slaughtering establishment in accordance with Schedule H of § 76.12.

(ii) To a slaughter market (as defined in § 76.1(z)) in accordance with Schedule H of § 76.12.

(2) From a slaughter market (as defined in § 76.1(z)):

(i) To a recognized slaughtering establishment in accordance with Schedule H of § 76.12.

§ 76.9 Interstate movement of swine products from a quarantined area.

Swine products not derived from swine affected with or exposed to hog cholera may be moved interstate from a quarantined area if they were produced in a federally inspected slaughtering establishment operating under the provisions of the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.).

§ 76.10 Movement of swine and swine products from a quarantined area to a nonquarantined area of the same State.

Swine and swine products moved from the quarantined area of a State to a nonquarantined area of the same State may be moved interstate only as specified in §§ 76.8 and 76.9.

§ 76.11 Interstate movement of swine and swine products through quarantined areas.

(a) Swine and swine products may be moved interstate from nonquarantined areas through quarantined areas without compliance with §§ 76.8 and 76.9 if (1) such movement is continuous and direct and such swine and swine products are not unloaded in the quarantined areas; or (2) if all facilities used in connection with the unloading have been approved for such purpose by a Division inspector as having been cleaned and disinfected before such use, as prescribed in §§ 76.31–76.32, under the supervision of a person authorized for the purpose by the inspector.

§ 76.12 Schedules of restrictions and conditions.[3]

SCHEDULE A

Schedule A applies to the interstate movement of swine for immediate slaughter and special processing as provided in §§ 76.6(b) and 76.15 and requires that:

1. The swine must be moved to a recognized slaughtering establishment for immediate slaughter and special processing.

2. The recognized slaughtering establishment must be designated by the Director to slaughter specific shipments of exposed swine.

3. The means of conveyance must be sealed during transit with Department seals or accompanied by a Division representative or a person specifically authorized for the purpose by the Director.

4. The seals must not be removed or broken except by an inspector employed by the Consumer and Marketing Service of the U.S. Department of Agriculture or other persons specifically authorized for this purpose by the Director.

5. The swine must be accompanied by a certificate of a Division inspector showing that the establishment to which the animals are consigned has been specifically approved by the Director, that the inspector has inspected all swine on the premises of origin within 48 hours of shipment interstate and that the swine are apparently free of hog cholera and other contagious, infectious or communicable diseases.

SCHEDULE B

Schedule B applies to the interstate movement of feeder and breeder swine as provided in § 76.6(b)(1) and requires that:

1. The swine must be permanently identified to the premises of origin by individual ear tag, ear notch, tattoo, or similar individual identification.

2. The swine must be inspected by a Division or State inspector or an accredited veterinarian at the point of origin of the interstate shipment immediately prior to such shipment, and found to be apparently free of hog cholera and other contagious, infectious or communicable diseases.

3. The swine must be accompanied by an inspection certificate issued by the Division or State inspector or accredited veterinarian showing:

(a) Place and date of issuance.

(b) Consignee and consignor.

(c) Record of official vaccination or official serum prophylaxis, when applicable.

(d) The permanent and individual identification of the swine to the premises of origin.

(e) That the swine have been inspected by the Division or State inspector or accredited veterinarian and found to be apparently free of hog cholera and other contagious, infectious or communicable diseases.

4. A copy of the inspection certificate must be forwarded to the appropriate Animal Health official of the State of destination.

5. The interstate movement must be to a State of destination which provides for the segregation or quarantine of imported feeder and breeder swine for not less than 21 days.[4]

6. Swine moved from a approved livestock market must be transported in a means of

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[3] In each instance the regulations of the State of destination should be consulted.

[4] Information as to the rules of States of destination can be obtained from the Veterinarian in Charge, Animal Health Division, Animal and Plant Health Service, United States Department of Agriculture, for such State.

conveyance which has been cleaned and disinfected as provided in §§ 76.30 and 76.32; *Provided, however,* That if the means of conveyance is not regularly used to transport livestock, disinfection is not required.

7. The owner and shipper must maintain for 1 year after the interstate movement a record of the origin, destination and identification of all such swine and shall afford access to such records at any reasonable time to Division and State inspectors designated by the Director.

SCHEDULE C

Schedule C applies to the interstate movement of feeder and breeder swine as provided in § 76.6(b) (2) and requires that:

1. The interstate movement must be continuous.

2. The interstate movement must be in the same means of conveyance in its entirety.

3. The interstate movement must be to a State of destination which provides for the segregation or quarantine of imported feeder or breeder swine for not less than 21 days.[4]

4. The swine must be permanently identified to the farm of origin by individual ear tag, ear notch, tattoo, or similar individual identification.

5. The swine must be inspected by a Division or State inspector or an accredited veterinarian at the point of origin of the interstate shipment immediately prior to such shipment and found to be apparently free of hog cholera and other contagious, infectious or communicable diseases.

6. The swine must be accompanied by an inspection certificate issued by the Division or State inspector or accredited veterinarian showing:

(a) Place and date of issuance.

(b) Consignee and consignor.

(c) Record of official vaccination or official serum prophylaxis, when applicable.

(d) The permanent and individual identification of the swine to the farm of origin.

(e) That the swine have been inspected by the Division or State inspector or accredited veterinarian and found to be apparently free of hog cholera and other contagious, infectious or communicable diseases.

(f) That the swine are being moved interstate from the farm where they were born and such farm has not been used within the past 6 months to buy, sell or assemble swine brought in from other sources and that all swine on the farm of origin at the time of shipment have been located there for not less than 21 days.

7. A copy of the inspection certificate must be forwarded to the appropriate Animal Health official of the State of destination.

SCHEDULE D

Schedule D applies to the interstate movement of feeder and breeder swine as provided in § 76.6(b) (3) and requires that:

1. The interstate movement must be continuous.

2. The interstate movement must be in the same means of conveyance in its entirety.

3. The interstate movement must be to a State of destination which provides for the segregation or quarantine of imported feeder or breeder swine for not less than 21 days.[4]

4. The swine must be permanently identified to the premises of origin by individual ear tag, ear notch, tattoo, or similar individual identification.

5. The swine must be inspected by a Division or State inspector or an accredited veterinarian at the point of origin of the interstate shipment immediately prior to such shipment, and found to be apparently free of hog cholera and other contagious, infectious or communicable diseases.

6. The swine must be accompanied by an inspection certificate issued by the Division or State inspector or accredited veterinarian showing:

(a) Place and date of issuance.

(b) Consignee and consignor.

(c) Record of official vaccination or official serum prophylaxis, when applicable.

(d) The permanent and individual identification of the swine to the premises of origin.

(e) That the swine have been inspected by the Division or State inspector or accredited veterinarian, and found to be apparently free of hog cholera and other contagious, infectious or communicable diseases.

7. A copy of the inspection certificate must be forwarded to the appropriate animal health official of the State of destination.

8. The owner and shipper must maintain for 1 year after the interstate movement a record of the origin, destination, and identification of all such swine and shall afford access to such records at any reasonable times to Division and State inspectors designated by the Director.

SCHEDULE E

Schedule E applies to the interstate movement of feeder and breeder swine as provided in § 76.6(b) (4), and requires that:

1. The interstate movement must be continuous.

2. The interstate movement must be in the same means of conveyance in its entirety.

3. The swine must be inspected by a Division or State inspector or an accredited veterinarian at the point of origin of the interstate shipment immediately prior to such shipment and found to be apparently free of hog cholera and other contagious, infectious or communicable diseases.

4. The swine must be accompanied by an inspection certificate issued by the Division or State inspector or accredited veterinarian showing:

(a) Place and date of issuance.

(b) Consignee and consignor.

(c) Record of official vaccination or official serum prophylaxis, when applicable.

(d) That the swine have been inspected by the Division or State inspector or accredited veterinarian and are apparently free of hog cholera and other contagious, infectious, or communicable diseases.

5. A copy of the inspection certificate must be forwarded to the appropriate animal health official of the State of destination.

6. The approved livestock market from which the shipment originates must handle swine only from eradication or free States.

7. The swine must not be brought into contact with swine from noneradication or nonfree States.

8. Swine moved from an approved livestock market must be transported in a vehicle cleaned and disinfected as provided in §§ 76.30 and 76.32: *Provided however,* That, if the vehicle is not regularly used to transport livestock, disinfection is not required.

SCHEDULE F

Schedule F applies to the interstate movement of feeder and breeder swine as provided in § 76.6(b) (5) and requires that:

1. The interstate movement must be continuous.

2. The interstate movement must be in the same means of conveyance in its entirety.

3. The swine must not be brought into contact with swine from noneradication or nonfree States.

SCHEDULE G

Schedule G applies to the interstate movement of feeder and breeder swine as provided in § 76.6(b) (6) and requires that:

1. The interstate movement must be continuous.

2. The interstate movement must be in the same means of conveyance in its entirety.

3. The swine must be inspected by a Division or State inspector or accredited veterinarian at the point of origin of the interstate shipment immediately prior to such shipment and found to be apparently free of hog cholera and other contagious, infectious, or communicable diseases.

4. The swine must not be brought into contract with swine from noneradication or nonfree States.

5. The premises of origin must not have been used in the 21 days preceding the interstate movement to receive, buy or sell swine from a noneradication or nonfree State.

6. The swine must be accompanied by an inspection certificate issued by the Division or State inspector or accredited veterinarian showing:

(a) Place and date of issuance.

(b) Consignee and consignor.

(c) Record of official vaccination or official serum prophylaxis, when applicable.

(d) That the swine have been inspected by the Division or State inspector or accredited veterinarian, and are apparently free from hog cholera and other contagious, infectious, or communicable diseases.

7. A copy of the inspection certificate must be forwarded to the appropriate animal health official of the State of destination.

SCHEDULE H

Schedule H applies to the movement of swine from a quarantined area for slaughter purposes as provided in § 76.8(b) and requires that:

1. A permit for the movement must be obtained from the appropriate animal health official of the State of destination.

2. (a) The swine must be identified by an individual ear tag to the premises of origin, or by a red mark at least 4" x ½" above the shoulder on the back of each animal, or (b) the means of conveyance in which the swine are moved interstate must be sealed with Department seals.

3. If the means of conveyance are sealed, the seals must not be removed or broken except by an inspector employed by the Consumer and Marketing Service of the U.S. Department of Agriculture or by other persons authorized for this purpose by the Director.

4. All swine on the premises of origin, including the swine to be moved interstate, must be inspected on the premises of origin by a Division or State inspector or an accredited veterinarian within 24 hours prior to the time the interstate movement is to begin, and all swine on the premises must be found to be apparently free of hog cholera and other contagious, infectious, and communicable diseases, and known exposure thereto.

5. The swine must be moved for immediate slaughter directly to a federally inspected slaughtering establishment operating under the provisions of the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), or to a State inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter, or to a slaughter market (as defined in § 76.1(a)) for sale and shipment for immediate slaughter; they must be moved without contact at any point with feeding or breeding swine; they shall not be unloaded en route; and they shall not be diverted.

6. The swine must be accompanied by an inspection certificate issued by a Division or State inspector or an accredited veterinarian showing:

(a) That all swine on the premises of origin, including those covered by the certificate, were inspected by him as prescribed in paragraph 4 of this Schedule H and found to be apparently free from hog cholera and

other contagious diseases, and from known exposure thereto.

(b) Consignee and consignor.

(c) Number of swine covered by the certificate.

(d) The individual eartag identification numbers of the swine or the existence of the red color mark on each animal covered by the certificate as prescribed in paragraph 2 of this Schedule H.

(e) That the swine covered by the certificate must be moved directly to the federally or State inspected slaughtering establishment or slaughter market specified on the certificate.

(f) That the swine must be moved without contact at any point with feeding or breeding swine; and shall not be unloaded or diverted en route.

7. A copy of the inspection certificate must be forwarded to the appropriate animal health official of the State of destination.

8. The means of conveyance used to transport the swine interstate must be placarded by affixing conspicuously thereto a durable placard not less than 5 x 8 inches in size on which are printed in block bold faced letters not less than 1½ inches in height, the words "Swine For Slaughter Only."

9. The means of conveyance must be cleaned and disinfected in accordance with § 76.30 and 76.32 under supervision by a Division or State inspector immediately following unloading, except that the Director may, in specific cases, approve other points for such cleaning and disinfection when he finds that such procedure will not hamper the hog cholera eradication program.

§ 76.13 Movement of specially processed swine products.

Except as provided in §§ 76.9, 76.10, 76.11, and 76.15, swine products which have been specially processed may be moved interstate without restrictions under this part.

§ 76.14 Special processing of swine products.

All swine products required under the regulations of this part to be specially processed shall be heated to an internal temperature of at least 156° F for 30 minutes or to an internal temperature of 177° F. for 3 minutes.

§ 76.15 Special requirements for interstate movement of swine fed raw garbage and products from swine fed raw garbage.

(a) *Movement of swine.* Swine which have been fed any raw garbage may be moved interstate under this part only in accordance with Schedule A of § 76.12 to a slaughtering establishment specifically approved for the purpose by the Director in each case, for immediate slaughter and special processing at such establishment in a manner approved by the Director as adequate to prevent the spread of communicable livestock diseases.

(b) *Movement of swine products.* (1) Swine products produced at an establishment operating under the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), which handles products of swine fed raw garbage, but specially processes all such products separate and apart from other swine products, keeps the products properly identified; and otherwise handles the products in a manner approved by the Director as adequate to prevent the spread of communicable livestock diseases, may be moved interstate without further restriction under this section, but in accordance with the other provisions of this part.

(2) Swine products produced at an establishment operating under the Federal Meat Inspection Act, as amended, (21 U.S.C. 601 et seq.), which handles any products of swine fed any raw garbage and does not handle all such products as specified in subparagraph (1) of this paragraph, may be moved interstate only if accompanied by a certificate signed by an inspector of the Consumer and Marketing Service, U.S. Department of Agriculture (i) identifying the products to be moved interstate and stating that, insofar as he has been able to determine, the particular products were derived from swine which had not been fed any raw garbage, or (ii) identifying the products to be moved interstate and stating that the particular products have been handled as specified in subparagraph (1) of this paragraph.

§ 76.16 Authorization of other movements.

The Director, in specific cases, may authorize the interstate movement of swine or swine products, not otherwise authorized under this part, under such conditions as he may prescribe to prevent the spread of hog cholera or other contagious, infectious, or communicable diseases, and when so moved, the swine or swine products must be accompanied by a permit from the appropriate official of the State of destination and a permit from the Division specifying any conditions imposed regarding such movement.

§ 76.17 Serum prophylaxis treatment of swine.

Although there is no requirement under this part that swine be treated with anti-hog-cholera serum or hog cholera antibody concentrate prior to interstate movement, if swine do receive serum prophylaxis prior to interstate movement they shall be inoculated with anti-hog-cholera serum or hog cholera antibody concentrate prepared under license from the Secretary of Agriculture issued pursuant to Subchapter E of this chapter; they shall meet all other applicable provisions of this part; and the permitted dosage of anti-hog-cholera serum or hog cholera antibody concentrate shall be as follows:

Weight of swine (pounds)	Minimum dose of serum (cubic centimeters)	Minimum dose of antibody concentrate (cubic centimeters)
Under 20	20	10
20 to 40	30	15
40+ to 90	35	18
90+ to 120	45	23
120+ to 150	55	28
150+ to 180	65	33
Over 180	75	38

NOTE: Except for swine under 30 pounds in weight, the dosage of serum should not exceed 1 cc. per pound body weight, or one-half cc. per pound body weight if antibody concentrate is used.

§ 76.18 Approval of livestock markets.

(a) Notices containing lists of livestock markets approved for the purposes of the regulations in this part will be published in the FEDERAL REGISTER. Information with respect to those livestock markets may also be obtained from the Division.

(b) The Director is authorized to approve any livestock market for the purposes of the regulations in this part when he determines that the operator of such livestock market has executed an appropriate agreement as set forth in subparagraph (1) or (2) of this paragraph and that the livestock market meets the standards specified in such agreement. Request for such approval may be made to the Veterinarian in Charge, Animal Health Division, Animal and Plant Health Service, U.S. Department of Agriculture, for the State in which the livestock market is located, and the executed agreement shall be filed with said Veterinarian in Charge. The Director is authorized to promulgate notices listing approved livestock markets in accordance with paragraph (a) of this section. The Director may withdraw approval and remove any livestock market from such list when he determines that such livestock market no longer complies with the requirements of the agreement applicable to its operations or that the operator has terminated such agreement.[5]

(1)

AGREEMENT FOR APPROVAL TO HANDLE INTERSTATE SHIPMENTS OF ANY CLASS OF SWINE

To: Animal Health Division, Animal and Plant Health Service, U.S. Department of Agriculture:

The undersigned operator of the livestock market known as ----------
(Name)
located at ----------, hereby requests approval to handle interstate shipments of feeder or breeder and/or slaughter swine in accordance with the regulations in 9 CFR Part 76 (from any State) (from hog cholera eradication States currently listed in § 76.2(f) or free States currently listed in § 76.2(g) of the regulations).[6] Said operator agrees to:

1. Provide said Division with a schedule of sale days and cooperate with the Division in obtaining compliance by livestock shippers with applicable State and Federal regulations.

2. Provide well-constructed and well-lighted imperviously surfaced pens, alleys, and sales rings for holding, inspecting, and otherwise handling swine, and other swine handling facilities that are clean and in good repair.

3. Require all swine received at the livestock market to be given an inspection by a Division or State inspector or an accredited veterinarian, and refuse to sell any swine that show any signs of any infectious, contagious, or communicable disease upon such inspection, except as authorized by a Division or State inspector or an accredited veterinarian.

4. Separate from the other swine all swine found upon inspection to be, or suspected of being, affected with any contagious, infectious, or communicable disease and immediately notify a Division or State inspector, or an accredited veterinarian of the

[5] The standards contained in these agreements are minimal and agreements within individual States may be adjusted to conform to more restrictive State laws or regulations.

[6] Delete inapplicable term.

presence of such swine at the livestock market.

5. Maintain feeder and breeder swine separately from slaughter swine, and if these two classes of swine are yarded in adjoining pens, separate the classes by solid partitions with no drainage from the slaughter swine pens into the feeder and breeder swine pens.[7]

6. Sell feeder and breeder swine before the sales ring is used for slaughter swine if the sales ring is used for both purposes on the same day.[7]

7. Permit no feeder or breeder swine to remain in the livestock market for more than 72 hours and permit no slaughter swine to remain in the livestock market for more than 120 hours.

8. Issue no release for removal of feeder and breeder swine from the livestock market until the swine are identified[7] in accordance with applicable requirements of Federal or State regulations and have been inspected by a Division or State inspector or an accredited veterinarian and certified in accordance with applicable Federal or State regulations.

9. Issue no releases for removal of slaughter swine from the livestock market unless consigned for immediate slaughter and identify the consignee on the release document.

10. Clean pens, alleys, sales rings, docks, and scales before each day's sale of feeder or breeder swine and disinfect such facilities when required under § 71.4 or § 76.31 with a disinfectant specified in § 76.32.[7]

11. Provide facilities and service for cleaning and disinfecting means of conveyance as prescribed in §§ 76.30 and 76.32.

12. Permit no swine to be inoculated at the livestock market with any modified live virus hog cholera vaccine or any other virulent hog cholera virus.

13. Maintain, for 1 year after the transaction involved, a record of the origin and destination of all swine, and also of the identification[7] of all swine, other than slaughter swine, handled through the livestock market and afford Division and State inspectors access to such records at all reasonable times.

(Name of operator of livestock market)

(Address)

(Signature and title)

(Date)

The Animal Health Division, Animal and Plant Health Service, U.S. Department of Agriculture, has approved this application effective ----------.
(Date)

(Veterinarian in charge)

(Address)

(Date)

[7] The requirements of paragraphs 5, 6, and 10 and the identification requirements of paragraphs 8 and 13 do not apply to livestock markets that are located in a hog cholera eradication or free State and that receive swine only from eradiction or free States. If any livestock market is approved to handle swine under the lesser requirements provided by this footnote on the basis of being located in, and handling only swine from a hog cholera eradication or free State and if any such State involved loses its status as an eradication or free State, all of the requirements of this agreement shall apply to such livestock market until the State regains its status as an eradication or free State.

AGREEMENT FOR APPROVAL TO HANDLE INTERSTATE SHIPMENTS OF SLAUGHTER SWINE

To: Animal Health Division, Animal and Plant Health Service, U.S. Department of Agriculture:

The undersigned operator of the livestock market known as ----------,
(name)
located at ----------, hereby
(address)
requests approval to handle interstate shipments of slaughter swine only, in accordance with the regulations in 9 CFR Part 76. Said operator agrees to:

1. Provide the Division with a schedule of sale days and cooperate with the Division in obtaining compliance by livestock shippers with applicable State and Federal regulations.

2. Separate from other swine all swine suspected of being affected with any contagious, infectious, or communicable disease and immediately notify a Division or State inspector, or an accredited veterinarian, of the presence of such swine at the livestock market.

3. Issue no releases for removal of any swine from the livestock market unless consigned for immediate slaughter and identify the consignee on the release document.

4. Permit no swine to be inoculated at the livestock market with any modified live virus hog cholera vaccine or any other virulent hog cholera virus.

5. Maintain, for 1 year after the transaction involved, a record of the origin and destination of all swine handled through the livestock market and afford Federal and State inspectors access to such records at all reasonable times.

(Name of operator of livestock market)

(Address)

(Signature and title)

(Date)

The Animal Health Division, Animal and Plant Health Service, U.S. Department of Agriculture, has approved this application effective ----------.
(Date)

(Veterinarian in charge)

(Address)

(Date)

(c) *Approval of livestock markets in a quarantined area.* The approved status of all livestock markets approved, for the purposes of the regulations in this part, under this section, which are located in an area placed under quarantine because of hog cholera, shall be suspended (only for purposes of this part) when such area is placed under quarantine and shall be restored when such area is released from quarantine only upon compliance with all provisions of this section: *Provided,* That such livestock markets which qualify under § 76.1(z) may operate as slaughter markets for the purpose of receiving interstate shipments of slaughter swine and releasing slaughter swine for interstate shipment, in accordance with § 76.8, directly to a federally inspected slaughtering establishment operating under the provisions of the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), or to a State inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter.

§ 76.30 Cleaning and disinfecting of means of conveyance.

(a) All means of conveyance and their associated equipment used for receiving, shipping, loading, unloading and delivering swine and for feeding, watering and resting swine, in connection with the interstate movement of swine, shall be kept clean.

(b) Any means of conveyance and its associated equipment which has been used to move swine interstate which are affected with any contagious, infectious or communicable disease shall be cleaned and disinfected under the supervision of a Division or State inspector or an accredited veterinarian as follows: Remove all litter, feed and manure from all portions of each means of conveyance including all ledges and framework inside and outside, and handle such litter, feed and manure in such manner as not to expose livestock to any disease contained therein; clean the interior and the exterior of such vehicle or other means of conveyance and its associated equipment; and saturate the entire interior surface, including all doors, endgates, portable chutes and similar equipment, with a disinfectant prescribed in § 76.32.

(c) The Director may, in specific cases, require the thorough cleaning and disinfecting, under the supervision of a Division or State inspector or an accredited veterinarian, in the manner provided in paragraph (b) of this section, of any means of conveyance which has been used to move interstate any swine which have been fed any raw garbage, or any swine products derived from such swine, or swine exposed to hog cholera or other contagious, infectious or communicable livestock disease, or which the Director has reason to believe may have been otherwise infected with or exposed to such a disease, when he determines that such cleaning and disinfecting is necessary to guard against the spread of any such disease.

(d) The carrier shall be responsible for cleaning and disinfecting all means of conveyance and associated equipment as required by this section and such cleaning and disinfecting shall be done without expense to the Department of Agriculture.

(e) Such cleaning and disinfecting shall be done before the means of conveyance is moved from the place where the swine or swine products are unloaded, unless the Director, in specific cases, authorizes its movement to another location and cleaning and disinfecting is carried out at such location in accordance with this section.

§ 76.31 Cleaning and disinfecting livestock markets and other facilities.

(a) All livestock markets and other facilities, including facilities for receiving, shipping, loading, unloading and delivering swine and for feeding, watering and resting swine, used in connection with the interstate movement of swine, shall be kept clean.

(b) All livestock markets and other facilities, or any portion thereof, which have been used in connection with the movement interstate of swine which are affected with any contagious, infectious, or communicable disease shall be cleaned and disinfected under the supervision of a Division or State inspector or an accredited veterinarian as follows: Empty all troughs and other feeding and watering appliances; remove all litter, feed and manure from the floors, posts, or other parts, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; and saturate the entire surface of the fencing, troughs, chutes, floors, walls and all other parts with a disinfectant as prescribed in § 76.32.

(c) The Director, in specific cases, may require the thorough cleaning and disinfecting, under the supervision of a Division or State inspector or an accredited veterinarian, in the manner provided in paragraph (b) of this section, of any livestock market and other facility, or any portion thereof, which has been used in connection with the interstate movement of any swine which have been fed any raw garbage or swine products derived from such swine, or swine exposed to hog cholera or other contagious, infectious or communicable disease, or which the Director has reason to believe may have been otherwise infected with or exposed to such a disease, when he determines that such cleaning and disinfecting is necessary to guard against the spread of any such disease.

(d) The owner of such livestock markets and other facilities shall be responsible for cleaning and disinfecting as required under this section, and the cleaning and disinfecting shall be done without expense to the Department of Agriculture.

(e) All livestock markets or other facilities, or any portion thereof, required to be cleaned and disinfected under this section shall not be used for handling swine until after the cleaning and disinfecting has been done.

§ 76.32 Disinfectants to be used.

Disinfection required under the regulations in this Part shall be performed with one of the following:

(a) A permitted brand of sodium orthophenylphenate used in a proportion of at least 1 pound to 12 gallons of water, as prescribed in § 71.12 of this chapter.

(b) A permitted cresylic disinfectant in the proportion of at least 4 fluid ounces to 1 gallon of water, as prescribed under §§ 71.10(b) and 71.11 of this chapter.

(c) A permitted general disinfectant (which meets the specifications of § 71.10(a) (5) of this chapter) which has been shown to be virucidal, against the virus of hog cholera, as determined by the Director,[3] may be used at the dilution and otherwise in accordance with specifications for use as shown on the label of such disinfectant.

The proposed revision would clarify, modify, and update the regulations in 9 CFR Part 76. Certain changes in format would be made in the major swine movement sections (§§ 76.5 through 76.12) to provide a clear, concise statement of each permitted interstate movement and a separate, carefully detailed schedule of restrictions and conditions for each such movement. In § 76.1, the proposed revision (1) substitutes the term "food waste" for "cooked garbage"; (2) defines "nonapproved livestock market," "Eradication State," "Free State," "Division inspector," "accredited veterinarian" and "State inspector"; (3) redefines "garbage," "exposed swine," "approved livestock market" (to include livestock auction markets, public stockyards, and any other approved assembly point), "swine products," "slaughter markets," and "official vaccinates"; and (4) deletes the term "clean stockyards", and the salvage provision of the present § 76.6(c). In § 76.2 this proposed revision would redefine "Eradication States" and "Free States" to allow any such State to retain classification as an eradication or free State notwithstanding occurrence of a primary isolated case of hog cholera if the infected herd has been depopulated. In § 76.4 the words "in all cases, including export," would be added to clarify the long-standing intent that all export and interstate shipments of virulent or modified hog cholera virus shall be accompanied by a permit issued by the Director, Veterinary Biologics Division. In § 76.14 the temperature and holding time required for special processing would be changed to conform with available research findings.

Any person who wishes to submit data, views, or arguments concerning the proposed amendments may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 5th day of November 1971.

G. H. WISE,
Acting Administrator, Animal and Plant Health Service, United States Department of Agriculture.

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[3] Information as to the name of such disinfectants may be obtained from the Veterinarian in Charge or a Division inspector.